

A G E N D A

Southern Area Planning Sub- Committee

Date: **Wednesday, 17th March, 2004**

Time: **10:00 a.m.**

Place: **Council Chamber, Brockington**

Notes: *Please note that the Planning Application for Estech Europe Ltd for a Waste Recycling facility at Madley will be dealt with at 10:30 a.m. The meeting will be reconvened at 2:00 p.m. to consider the remaining applications*

For any further information please contact:

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AGENDA

for the Meeting of the Southern Area Planning Sub-Committee

To: Councillor Mrs. R.F. Lincoln (Chairman)
Councillor P.G. Turpin (Vice-Chairman)

Councillors H. Bramer, M.R. Cunningham, N.J.J. Davies, Mrs. C.J. Davis, G.W. Davis, J.W. Edwards, Mrs. A.E. Gray, T.W. Hunt (ex-officio) Mrs. J.A. Hyde, G. Lucas, D.C. Taylor and J.B. Williams

	Pages
<p>1. APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence.</p>	
<p>2. DECLARATIONS OF INTEREST</p> <p>To receive any declarations of interest by Members in respect of items on the Agenda.</p>	
<p>3. MINUTES</p> <p>To approve and sign the Minutes of the meeting held on 18th February, 2004.</p>	1 - 18
<p>4. ITEM FOR INFORMATION - APPEALS</p> <p>To note the contents of the attached report of the Head of Planning Services in respect of the appeals received or determined for the southern area of Herefordshire.</p>	19 - 22
<p>5. HEAD OF PLANNING SERVICES REPORT</p> <p>To consider and Take any appropriate action on the attached reports of The Head of Planning Services in respect of the planning applications received for the southern area of Herefordshire, and to authorise him to impose any additional conditions and reasons considered to be necessary.</p> <p>Plans relating to planning applications on this agenda will be available for inspection by members during the meeting and also in the Council Chamber from 1.30 p.m. on the day of the meeting.</p>	23 - 140
<p>EXCLUSION OF THE PUBLIC AND PRESS</p> <p>In the opinion of the Proper Officer, the next item will not be, or is likely not to be, open to the public and press at the time it is considered.</p>	
<p>RECOMMENDATION:</p>	<p>THAT the public be excluded from the meeting for the following item of business</p>

on the grounds that it involves the likely disclosure of exempt information as defined in Schedule 12(A) of the Local Government Act, 1972 as indicated below.

6. CONFIDENTIAL ENFORCEMENT REPORT

141 - 142

To note the Council's current position in respect of enforcement proceedings for the Southern Area.

(This item discloses information relating to possible legal proceedings by the Council)

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- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt information'.
- Inspect agenda and public reports at least three clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. A list of the background papers to a report is given at the end of each report. A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
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- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
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- The nearest bus-stop to Brockington is located in Old Eign Hill near to its junction with Hafod Road. The return journey can be made from the same bus stop.

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BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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Do not delay your vacation of the building by stopping or returning to collect coats or other personal belongings.

COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

MINUTES of the meeting of Southern Area Planning Sub-Committee held at The Council Chamber, Brockington on Wednesday, 18th February, 2004 at 2.00 p.m.

Present: Mrs. R.F. Lincoln (Chairman)
P.G. Turpin (Vice Chairman)

Councillors: H. Bramer, M.R. Cunningham, N.J.J. Davies,
Mrs. C.J. Davis, G.W. Davis, J.W. Edwards, Mrs. A.E. Gray, T.W. Hunt
(ex-officio), Mrs. J.A. Hyde, G. Lucas, D.C. Taylor and J.B. Williams

48. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillor	Item	Interest
G. Lucas	Ref. 6 – DCSE2003/3633/F Proposed Conservatory at: MANDALAR, GRAYTREE, ROSS-ON-WYE, HEREFORDSHIRE	Declared a prejudicial interest and left the meeting for the duration of the item
J.W. Edwards	Ref. 8 and Ref. 9 – DCSE2003/3290/F and DCSE2003/3347/F Erection of one dwelling and Erection of 4 dwellings and relocation of vehicle access at: LAND ADJOINING MONKS WALK COTTAGE, MUCH MARCLE, HEREFORDSHIRE, HR8 2LY	Declared a prejudicial interest and left the meeting for the duration of the item

49. MINUTES

RESOLVED: That the Minutes of the meeting held on 21st January, 2004 be approved as a correct record and signed by the Chairman.

50. ITEM FOR INFORMATION - APPEALS

The Sub-Committee noted the Council's current position in respect of planning appeals for the southern area of Herefordshire.

51. HEAD OF PLANNING SERVICES REPORT

The report of the Head of Planning services was presented in respect of planning applications received for the southern area of Herefordshire.

RESOLVED: That the planning applications be determined as set out in the appendix to these Minutes.

EXCLUSION OF PUBLIC AND PRESS

RESOLVED: That under Section 100 (A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Schedule 12(A) of the Act, as indicated below.

SUMMARY OF THE PROCEEDINGS OF EXEMPT INFORMATION

52. ITEM FOR INFORMATION - ENFORCEMENT

The Sub-Committee received an information report about the enforcement matters within the southern area of Herefordshire.

RESOLVED: That the report be noted.

(This item disclosed information on the following grounds.

- 12) Any instructions to counsel and any opinion of counsel (whether or not in connection with any proceedings) and any advice received, information obtained or action to be taken in connection with:
 - (a) any legal proceedings by or against the authority, or**
 - (b) the determination of any matter affecting the authority (whether, in each case, proceedings have been commenced or are in completion).****
- 13) Information which, if disclosed to the public, would reveal that the authority proposes:
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or**
 - (b) to make an order or direction under any enactment.****
- 14) Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.)**

The meeting ended at 4.05 p.m.

CHAIRMAN

APPENDIX

Ref. 1
MADLEY
 DCSW2003/3281/N

Waste treatment (using an autoclave) & recycling facility, including construction of a new building

STONEY STREET INDUSTRIAL ESTATE, MADLEY, HEREFORD, HR2 9NQ

For: **Estech Europe Ltd per Enviros Consulting Ltd, Enviros House, Shrewsbury Business Park, Shrewsbury, SY2 6LG**

RESOLVED: That consideration of the application be deferred pending a Site Inspection on the grounds of possible effects of the proposal on the character and appearance of the area.

Ref. 2
FOY
 DCSE2003/3794/F

Use of dwelling for accommodation of young people and supervisory staff

FAIRVIEW, FOY, NR ROSS-ON-WYE, HEREFORDSHIRE

For: **Solutions Ltd per Paul Smith Associates, Chase View House, Merrivale Road, Ross-on-Wye, Herefordshire HR9 5JX**

The Southern Divisional Planning Officer advised members of an amendment to condition 1 of the recommendation.

In accordance with the criteria for public speaking, Mr Meek, of Brampton and Foy Parish Council and Mr Parcker, an objector, spoke against the application. Mr Massey, the applicant, spoke in support of the application.

Councillor J.W. Edwards, the Local Member, expressed his position to the application and outlined some of the concerns of the Foy residents.

Councillor Mrs C.J. Davis drew attention to the fact that no comments had been received from the Head of Social Care or West Mercia Constabulary. She also drew members' attention to the Solutions home in Goodrich as a positive example of a care home.

In response to a question from Councillor H. Bramer, the Chief Development Control Officer advised that a temporary permission should not be granted in a case where a significant financial investment was required. He added that there was no justification to refuse full planning permission.

RESOLVED: That planning permission be granted subject to the following conditions:

1. **The occupation of the property shall be limited to a maximum number of three children between the ages of 10 and 16.**

Reason: In order to define the terms under which this permission is granted.

2. **At all times when children are present in the property a minimum of one care staff shall also be present.**

Reason: In order to ensure that continued residential care is available to children.

Informative(s):

1. **N15 - Reason(s) for the Grant of Planning Permission**

Erection of agricultural building for free range egg production

BOWLING GREEN FARM, CLEHONGER, HEREFORD, HR2 9SJ

For: Mr P S J Whittal, Bowling Green Farm, Clehonger, Hereford, HR2 9SJ

The Principal Planning Officer reported the receipt of the comments of the Parish Council and the receipt of three further letters of objection regarding additional traffic. He also noted that the Environment Health Officer had no objections to the application but had recommended the addition of conditions relating to mechanical ventilation and delivery times.

RESOLVED: That the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary by officers:

1. **A01 (Time limit for commencement (full permission))**

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. **A07 (Development in accordance with approved plans)**

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

3. **B01 (Samples of external materials)**

Reason: To ensure that the materials harmonise with the surroundings.

Ref. 3
CLEHONGER
DCSW2004/0015/F

4. **G04 (Landscaping scheme (general))**

Reason: In order to protect the visual amenities of the area.

5. **G05 (Implementation of landscaping scheme (general))**

Reason: In order to protect the visual amenities of the area.

Informative(s):

1. **N15 - Reason(s) for the Grant of Planning Permission**

Proposed extensions and alterations

GREAT HILLSHONE COTTAGE, GANAREW, MONMOUTH, NP25 3SS

For: Mr & Mrs W H Whittaker, 9 Bakers Way, Cannock, Staffordshire, WS12 4XZ

In accordance with the criteria for public speaking, Mr Evans spoke against the application.

RESOLVED: That planning permission be granted subject to the following conditions:

1. **A01 (Time limit for commencement (full permission))**

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. **A09 (Amended plans)**

Reason: To ensure the development is carried out in accordance with the amended plans.

3. **B02 (Matching external materials (extension))**

Reason: To ensure the external materials harmonise with the existing building.

Informative(s):

1. **The Public Rights of Way Officer advises that the following points should be noted:**

The right of way should remain open at all times throughout the development. If development works are perceived to be likely to endanger members of the public then a temporary

Ref. 4
GANAREW
DCSE2003/3819/F

closure order should be applied for from the Public Rights of Way Section, preferably 6 weeks in advance of work starting.

The right of way should remain at its historic width and suffer no encroachment or obstruction during the works or at any time after completion.

2. N15 - Reason(s) for the Grant of Planning Permission

Ref. 5
HAREWOOD END
DCSW2003/3759/F

Soft fruit packhouse facility, together with new site entrance and security fencing

WINDMILL HILL, HAREWOOD END, HEREFORDSHIRE

For: Messrs A J & C I Snell per Mr P Dunham, Dunham Associates, 19 Townsend, Soham, Cambridgeshire CB7 5DD

The Senior Planning Officer reported the receipt of a letter of objection from Mr. Barnett and a Letter of support from Hereford and Worcester Chamber of Commerce. She also said that the Environment Agency had no objections but had recommended a condition regarding drainage.

In accordance with the criteria for public speaking, Mr Dixon spoke against the application. Mr Dunham, the applicant's agent, and Mr Lyons, representing Hereford and Worcester Chamber of Commerce, spoke in support of the application.

Councillor G.W. Davis, the Local Member, supported the application in principle but noted the concerns of the local residents and requested a condition be added to control the storage of fruit outside the building.

In response to a question from Councillor G.W. Davis, the Senior Planning Officer advised Members that the shutters on the doors would be closed between 11.00 p.m. and 7.00 a.m. and that no deliveries would be permitted to the site between 11.00 p.m. and 5.00 a.m. in order to minimise the impact of noise and disturbance to local residents. She also advised Members that a condition could be added to control lighting around the lorry docking area.

RESOLVED: That subject to the resolution of the issue with regard to noise, and clarification with regard to the conditions as directed by the Highways Agency, the Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary by officers:

1. A01 (Time limit for commencement (full permission))

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. **A08 (Development in accordance with approved plans and materials)**

Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area.

3. **B11 (Details of external finishes and cladding)**

Reason: To minimise the visual impact of the development

4. **D03 (Site observation - archaeology)**

Reason: To allow the potential archaeological interest of the site to be investigated and recorded.

5. **G04 (Landscaping scheme (general))**

Reason: In order to protect the visual amenities of the area.

6. **G05 (Implementation of landscaping scheme (general))**

Reason: In order to protect the visual amenities of the area.

7. **G06 (Scope of landscaping scheme)**

Reason: In order that the local planning authority may be satisfied that the deposited scheme will meet their requirements.

Informative(s)

1. **ND3 (Contact Address)**
2. **N15 (Reason(s) for the grant of planning permission)**

For: Dr. R Kway Kway per Mr R H Ball, Ilex, Ashfield Crescent, Ross-on-Wye, Herefordshire, HR9 5PH

RESOLVED: That planning permission be granted subject to the following conditions:

1. A01 (Time limit for commencement (full permission))

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. B02 (Matching external materials (extension))

Reason: To ensure the external materials harmonise with the existing building.

Informative(s):

1. N15 - Reason(s) for the Grant of Planning Permission

Change of use from agricultural to business/light industry

WINDY HOLLOW, UPTON BISHOP, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7TT

For: Mr G A Roberts, Windy Hollow, Upton Bishop, Ross-on-Wye, Herefordshire, HR9 7TT

The Principal Planning Officer reported the receipt of two further letters of objection.

In accordance with the criteria for public speaking, Mrs. Turnbull spoke against the application.

Councillor J.W. Edwards, the Local Member referred to the concerns expressed by the Parish Council and local residents and felt that he could not support the application.

In response to a question from Councillor M.R. Cunningham, the Principal Planning Officer confirmed that the intended use of the site was for Industrial B1 use.

RESOLVED: That planning permission be granted subject to the following conditions:

1. A01 (Time limit for commencement (full permission))

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

Ref. 7
ROSS-ON-WYE
DCSE2003/3606/F

2. **E10 (Use restricted to that specified in application)**

Reason: To define the terms of the permission and to protect the visual amenities of the area.

3. **F42 (Restriction of open storage)**

Reason: To protect the appearance of the locality.

Informative(s):

1. **N15 - Reason(s) for the Grant of Planning Permission**

Councillors J.W. Edwards and H. Bramer abstained from voting on this application.

Erection of one dwelling

LAND ADJOINING MONKS WALK COTTAGE, MUCH MARCLE, HEREFORDSHIRE, HR8 2LY

Erection of 4 dwellings and relocation of vehicle access at

LAND ADJOINING MONKS WALK COTTAGE, MUCH MARCLE, HEREFORDSHIRE, HR8 2LY

For: Mr C. Cooke & Ms K. Cooke per Paul Smith Associates, Chase View House, Merrivale Road, Ross-on-Wye, Herefordshire, HR9 5JX

In accordance with the criteria for public speaking, Mr. Morgan, of Much Marcle Parish Council, spoke against the application.

RESOLVED: That planning permission be granted subject to the following conditions:

In respect of DCSE2003/3290/F

1. **A01 (Time limit for commencement (full permission))**

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. **A09 (Amended plans)**

Reason: To ensure the development is carried out in accordance with the amended plans.

3. **B01 (Samples of external materials)**

Ref. 8&9

MUCH MARCLE

DCSE2003/3290/F

DCSE2003/3347/F

Reason: To ensure that the materials harmonise with the surroundings.

4. G04 (Landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

5. G05 (Implementation of landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

6. G06 (Scope of landscaping scheme)

Reason: In order that the local planning authority may be satisfied that the deposited scheme will meet their requirements.

7. Prior to the commencement of any development on site details of the construction of the driveway to plots 1 and 2 beneath the tree canopy shall be submitted to and approved in writing by the local planning authority. The works shall be carried out strictly in accordance with the approved details and completed prior to the first occupation of either Plot 1 or Plot 2, whichever is the sooner.

Reason: In order to protect the longevity of the tree in the interests of the visual amenities of the area.

8. G18 (Protection of trees)

Reason: To ensure adequate protection to existing trees which are to be retained, in the interests of the character and amenities of the area.

9. G21 (Excavations beneath tree canopy)

Reason: To prevent the unnecessary damage to or loss of trees.

10. H01 (Single access - not footway)

Reason: In the interests of highway safety.

11. H03 (Visibility splays)

Reason: In the interests of highway safety.

12. H05 (Access gates)

Reason: In the interests of highway safety.

13. H06 (Vehicular access construction)

Reason: In the interests of highway safety.

- 14. Prior to the first occupation of the dwelling hereby approved an area shall be laid out within the curtilage of the property for the parking of 1 car so that it may turn within site and enter and leave the application site in a forward gear. The access, turning area and parking facilities shall be properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to and approved in writing by the local planning authority. These areas shall thereafter be retained and kept available for those uses at all times.**

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

15. H27 (Parking for site operatives)

Reason: To prevent indiscriminate parking in the interests of highway safety.

- 16. The development hereby permitted shall not commence until drainage works for the disposal of both surface water and foul sewage have been carried out in accordance with the details to be submitted to and approved by the local planning authority in writing.**

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

Informative(s):

- 1. HN01 - Mud on highway**
- 2. HN04 - Private apparatus within highway**
- 3. HN05 - Works within the highway**
- 4. N15 - Reason(s) for the Grant of Planning Permission**

In respect of DCSE2003/3347/F:

- 1. A01 (Time limit for commencement (full permission))**

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. A09 (Amended plans)

Reason: To ensure the development is carried out in accordance with the amended plans.

3. B01 (Samples of external materials)

Reason: To ensure that the materials harmonise with the surroundings.

4. G04 (Landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

5. G05 (Implementation of landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

6. G06 (Scope of landscaping scheme)

Reason: In order that the local planning authority may be satisfied that the deposited scheme will meet their requirements.

7. Prior to the commencement of any development on site details of the construction of the driveway to plots 1 and 2 beneath the tree canopy shall be submitted to and approved in writing by the local planning authority. The works shall be carried out strictly in accordance with the approved details and completed prior to the first occupation of either Plot 1 or Plot 2, whichever is the sooner.

Reason: In order to protect the longevity of the tree in the interests of the visual amenities of the area.

8. G18 (Protection of trees)

Reason: To ensure adequate protection to existing trees which are to be retained, in the interests of the character and amenities of the area.

9. G21 (Excavations beneath tree canopy)

Reason: To prevent the unnecessary damage to or loss of trees.

10. H01 (Single access - not footway)

Reason: In the interests of highway safety.

11. H03 (Visibility splays)

Reason: In the interests of highway safety.

12. H05 (Access gates)

Reason: In the interests of highway safety.

13. H06 (Vehicular access construction)

Reason: In the interests of highway safety.

14. Prior to the first occupation of the dwellings hereby approved an area shall be laid out within the curtilages of each of the properties for the parking of 1 car so that it may turn within site and enter and leave the application site in a forward gear. The access, turning area and parking facilities shall be properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to and approved in writing by the local planning authority. These areas shall thereafter be retained and kept available for those uses at all times.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

15. H27 (Parking for site operatives)

Reason: To prevent indiscriminate parking in the interests of highway safety.

16. The development hereby permitted shall not commence until drainage works for the disposal of both surface water and foul sewage have been carried out in accordance with the details to be submitted to and approved by the local planning authority in writing.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

Informative(s):

- 1. HN01 - Mud on highway**
- 2. HN04 - Private apparatus within highway**

3. HN05 - Works within the highway**4. N15 - Reason(s) for the Grant of Planning Permission**

Councillor G.W. Davis abstained from the voting on these items

Ref. 10
ROSS-ON-WYE
DCSE2003/3741/F

Conversion of existing garage/store to living accommodation. new rear access and garage

WESTBURY HOUSE, GLOUCESTER ROAD, ROSS-ON-WYE, HR9 5LR

For: **Mr & Mrs J A & S A Wood, Westbury House, Gloucester Road, Ross-on-Wye, HR9 5LR**

In accordance with the criteria for public speaking, Mr Brooks spoke against the application.

Councillor Mrs. A.E. Gray noted that the original application had been refused and praised the applicant for co-operating with the Planning Department to make this application acceptable. She also paid credit to the officers and supported the application.

RESOLVED: That planning permission be granted subject to the following conditions:

1. A01 (Time limit for commencement (full permission))

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. B02 (Matching external materials (extension))

Reason: To ensure the external materials harmonise with the existing building.

Informative(s):

1. N15 - Reason(s) for the Grant of Planning Permission

Councillor Mrs C.J. Davies abstained from voting on this application.

Ref. 11
WELSH NEWTON
DCSE2003/2842/F

Proposed extensions to existing cottage at

COMMON GATE COTTAGE, WELSH NEWTON, MONMOUTH, GWENT, NP25 5RT

For: **Mr G H Probyn per Mr O Probyn, 35 Shakespeare Road, London, SE24 0LA**

The Principal Planning Officer reported the receipt of a further letter of support for the application.

RESOLVED: That planning permission be granted subject to the following conditions:

1. A01 (Time limit for commencement (full permission))

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. A07 (Development in accordance with approved plans) (drawing nos. 1, 4 rev B, 5 rev B, 6 rev B ,7 rev B, 8 rev B, and 9 rev B)

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

3. Before any work commences on site, detailed drawings showing the full extent of the north facing elevation of the proposed two storey extension and also the south facing elevation of the altered/converted stone outbuilding.

Reason: To ensure that the development is satisfactory in appearance.

4. All new stonework to be used externally on the walls shall be natural local stone laid in a traditional style similiar to that on the existing outbuilding unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is satisfactory in appearance.

5. The existing walling on the existing stone outbuilding (to be converted/extended) shall be retained in full unless otherwise first agreed in writing by the Local Planning Authority. In the event of any rebuilding being required then detailed drawings showing the extent proposed to be rebuilt shall first be submitted to and be subject to the prior written approval of the Local Planning Authority prior to any demolition of these walls.

Reason: To define the terms to which this planning permission relates.

6. The additional accommodation hereby approved shall remain ancillary to the use of the existing dwelling as such and shall not at any time be utilised as a separate residential unit.

Reason: It would be contrary to the approved planning policies for the area to grant planning permission for a separate dwelling unit in this location.

7. The new rooflight shall be flush with the roof slope.

Reason: To ensure that the rooflight does not protrude unduly above the external surface of the roof.

Informative(s):

1. N03 - Adjoining property rights
2. N14 - Party Wall Act 1996
3. N15 - Reason(s) for the Grant of Planning Permission

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SOUTHERN AREA PLANNING SUB-COMMITTEE

17th MARCH 2004

ITEM FOR INFORMATION - APPEALS

APPEALS RECEIVED**Application No. DCSW2003/3045/F**

- The appeal was received on 25th February 2004
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mrs Wright
- The site is located at Stable on land adjoining Southwell Arms, Broad Oak, Herefordshire, HR2 8RA
- The development proposed is Convert existing stable to residential accommodation with new road access
- The appeal is to be heard by Written Representations

Case Officer: Mr Andrew Prior on 01432 2601932**Application No. DCSE2003/2827/O**

- The appeal was received on 17th February 2004
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr & Mrs G Hicks
- The site is located at Plot 7, Yew Tree Farm, Whitchurch, Ross-On-Wye, Herefordshire, HR9 6DQ
- The development proposed is Site for new house.
- The appeal is to be heard by Written Representations

Case Officer: Mr Steven Holder 01432 260479**Application No. DCSE2003/2662/F**

- The appeal was received on 9th February 2004
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mrs L Worsley
- The site is located at Wyeside Cottage, Coppet Hill, Goodrich, Ross-on-Wye, Herefordshire, HR9 6JH
- The development proposed is Increase height of existing cottage and erect a two storey rear extension with single storey lean-to.
- The appeal is to be heard by Written Representations

Case Officer: Mr Steven Holder on 01432 260479**Application No. DCSW2003/2377/F**

- The appeal was received on 11th February 2004

Further information on the subject of this report is available from the relevant Case Officer

SOUTHERN AREA PLANNING SUB-COMMITTEE**17th MARCH 2004**

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Trustees of the Hunter Variation Trust
- The site is located at Land opposite Forge Cottage, Michaelchurch Escley, Herefordshire.
- The development proposed is Two detached houses with associated access and detached garages.
- The appeal is to be heard by Written Representations

Case Officer: Mr Andrew Prior on 01432 261932**Application No. DCSE2003/2493/O**

- The appeal was received on 18th February 2004
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr J Parker
- The site is located at Igls, Gorsley, Ross-On-Wye, Herefordshire, HR9 7SJ
- The development proposed is Site for the erection of a bungalow
- The appeal is to be heard by Written Representations

Case Officer: Mrs Charlotte Atkins on 01432 260536**Application No. DCSE2003/3140/F**

- The appeal was received on 19th February 2004
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr & Mrs J. Benwell
- The site is located at Primrose Cottage, Howle Hill, Ross-on-Wye, Herefordshire, HR9 5SP
- The development proposed is Proposed first floor extension
- The appeal is to be heard by Written Representations

Case Officer: Mr Nigel Banning on 01432 261974**Application No. DCSE2003/3059/F**

- The appeal was received on 26th February 2004
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by S. Chan & Lin Choi
- The site is located at Land at Butchers Alley (rear of 25/26 Brookend Street), Ross-on-Wye
- The development proposed is Erection of 4 no. flats
- The appeal is to be heard by Hearing

Case Officer: Mr Nigel Banning on 01432 261974**Application No. DCSE2003/2028/O**

- The appeal was received on 2nd March 2004

Further information on the subject of this report is available from the relevant Case Officer

SOUTHERN AREA PLANNING SUB-COMMITTEE

17th MARCH 2004

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Green
- The site is located at Waters Edge, Howle Hill, Ross-On-Wye, Herefordshire, HR9 5SP
- The development proposed is Site for agricultural/ horticulture bungalow with garage and re-siting of solar polytunnel.
- The appeal is to be heard by Written Representations

Case Officer: Mrs Charlotte Atkins on 01432 260536

APPEALS DETERMINED

Application No. DCSE2003/1345/F

- The appeal was received on 28th October 2003
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr & Mrs Seal
- The site is located at Goodrich Court, Goodrich, Ross-On-Wye, Herefordshire, HR9 6HT
- The application, dated 6th May, 2003, was refused on 1st July, 2003
- The development proposed was Proposed demolition of existing bungalow and erection of replacement dwelling and new garage.
- The main issue is the effect of the development on the character and appearance of the area, having particular regard to its location within an Area of Outstanding Natural Beauty and an Area of Great Landscape Value

Decision: The appeal was Dismissed on 10th February, 2004

Case Officer: Mr Steven Holder on 01432 260479

Application No. SE2002/3148/F

- The appeal was received on 12th June 2003
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mrs I Roper
- The site is located at Home Farm, Pencraig, Ross-On-Wye, Herefordshire, HR9 6HR.
- The application, dated 20th October, 2002, was refused on 17th December, 2002
- The development proposed was Change of use and conversion of existing redundant agricultural buildings to function room for food and beverage and catering arrangements.
- The main issue is the effects of the proposed development on
 - (a) The character and appearance of the existing buildings and on the area, including the AONB
 - (b) The living conditions of neighboring residents with particular reference to noise and smell
 - (c) The need to travel
 - (d) Highway safety

Decision: The appeal was Dismissed on 19th February, 2004

Case Officer: Mrs Charlotte Atkins on 01432 260536

Further information on the subject of this report is available from the relevant Case Officer

SOUTHERN AREA PLANNING SUB-COMMITTEE

17th MARCH 2004

Application No. SW2002/3778/F

- The appeal was received on 30th July 2003
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr & Mrs Johnson
- The site is located at Acontree House, Barrack Hill, Little Birch, Herefordshire, HR2 8BA
- The application, dated 10th December, 2002, was refused on 6th February, 2003
- The development proposed was Two storey extension
- The main issue is the effect of the proposal on the integrity of the existing dwelling and on the character and appearance of the area, in the light of planning policies regarding the extension of a dwelling

Decision: The appeal was Allowed on 20th February, 2004

Case Officer: Mr Andrew Prior on 01432 261932

Application No. SE2003/0535/L

- The appeal was received on 16th October 2003
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by D.A & S.B Pope
- The site is located at Treberon, Pencoyd, Hereford, HR2 8ND
- The application, dated 27th January, 2003, was refused on 16th April, 2003
- The development proposed was Installation of three skylights into slate roof
- The appeal is dismissed insofar as it relates to the skylight on the right hand side of the chimney stack (when looking from the outside at the east elevation of the building)
- The appeal is allowed insofar as it relates to the 2 skylights on the left hand side of the chimney stack (when looking from the outside at the east elevation of the building)

Decision: The appeal was Allowed in part and is Dismissed in part

Case Officer: Mr Nigel Banning on 01432 261974

COSTS DECISION

Application No. SW2002/3778/F

- The application is made under the Town and Country Planning Act 1990, section 78, 322 and schedule 6 and the Local Government Act 1972, section 250(5)
- Mr & Mrs Johnson make the application for a full award of costs against Herefordshire Council
- The hearing was in connection with an appeal against the refusal of planning permission for a two-storey extension
-

Decision: The application is Allowed

Case Officer: Mr Andrew Prior on 01432 261932

If members wish to see the full text of decision letters copies can be provided

Further information on the subject of this report is available from the relevant Case Officer

SOUTHERN AREA PLANNING SUB-COMMITTEE

17TH MARCH, 2004

DEFERRED APPLICATION

REF No.	APPLICANT	PROPOSAL AND SITE	APPLICATION No.	PAGE No.
1	Estech Europe Ltd	Waste treatment (using an autoclave) & recycling facility, including construction of a new building, Stoney Street Industrial Estate, Madley, HR2 9NQ	DCSW2003/3281/N	15 - 72

APPLICATIONS RECEIVED

REF No.	APPLICANT	PROPOSAL AND SITE	APPLICATION No.	PAGE No.
2	Mr. J. E. Blows	Proposed erection of timber shed, Woodlands, Symonds Yat West, Ross-on-Wye	DCSE2004/0064/F	73 - 76
3	Mr. S. Cole	Proposed building for the storage and repairs of agricultural, horticultural, automotive and plant machinery, Thorny Orchard, part of OS Plot 8691, Coughton, Ross-on-Wye	DCSE2004/0220/F	77 - 88
4	Herefordshire Council	Sports Hall and Changing Rooms, Kingstone High School, Kingstone	DCSW2004/0092/F	89 - 92
5	Mr. & Mrs. A McIntosh	Conversion of existing outhouse to annexe with extension. Proposed detached garage and garden store, Brook House, Walford, Ross-on-Wye	DCSE2004/0041/F	93 - 98
6	Mr. & Mrs. A. McIntosh	Listed building application in respect of the above	DCSE2004/0042/L	93 - 98

7	Trustees of Archdiocese of Cardiff	Proposed demolition of redundant church building and outline consent for residential development at Our Lady and St. Teresa of Liseux R.C Church, Whitchurch, Symonds Yat	DCSE2003/3612/ O	99 - 102
8	Mr. & Mrs. Croke	Erection of detached double garage and a two-storey extension, creation of new driveway, change of use – agricultural to residential, Stoney Ways, Hoarwithy	DCSW2004/005 3/F	103 - 108
9	Mr. Francis	First floor extensions to front of dwelling, 2 Okell Drive, Ross-on-Wye	DCSE2004/007 5/F	109 - 112
10	Corporation Properties Ltd	Residential development of 9 houses together with highway improvements to Walford Road at former Water Board Depot, Walford Road, Coughton	DCSE2003/295 4/F	113 - 126
11	Mr. J. Williams	Proposed detached double garage and repair to outbuilding, Kiln Green Cottage, Walford, Ross-on-Wye	DCSE2003/3061/ F	127 - 130
12	Mr. & Mrs. J. A. Watkins	Renewal of planning permission SE2001/0906/O site for single storey dwelling, land at Upton Crews, Nr. Ross-on-Wye	DCSE2003/2649 /O	131 - 136
13	Mr. & Mrs. Nightingale	Two storey side extension and single storey rear extension, Kyrles Cross, Peterstow, Ross-on-Wye	DCSE2004/0085 /F	137 - 140

DEFERRED APPLICATION

1 DCSW2003/3281/N - WASTE TREATMENT (USING AN AUTOCLAVE) & RECYCLING FACILITY, INCLUDING CONSTRUCTION OF A NEW BUILDING, STONEY STREET INDUSTRIAL ESTATE, MADLEY, HEREFORD, HR2 9NQ**For: Estech Europe Ltd per Enviros Consulting Ltd,
Enviros House, Shrewsbury Business Park,
Shrewsbury, SY2 6LG****Date Received: 7th November 2003 Ward: Stoney Street Grid Ref: 41742, 36979****Expiry Date: 27th February 2004**

Local Member: Councillor D. C. Taylor

1. Site Description and Proposal

1.1 The application site is part of the Stoney Street Industrial Estate, Madley, part of a former World War Two RAF base. It is located about 700 metres north-west of Kingstone, 1.7kms south of Madley and 9.5kms to the west of the centre of Hereford. The Madley Communications Centre is about 800m to the north-east. The site itself is irregular in shape, its longest dimensions about 260m east-west and about 100m north-south. It is bounded by the Dene Industrial Estate to the south-east and Stoney Street to the west. There are existing industrial buildings (some disused) (some of which are former military buildings) on three sides and fields to the south. The nearest house is at Dene Villa about 130m to the south-east of the proposed building. There are two schools at Kingstone and another at Madley, about 1.5km and 3.5km away respectively. The surrounding area is semi-rural. The former runways are clearly detectable and there are scattered farms and houses in the wider landscape.

1.2 The Proposal

The proposal is to develop a waste treatment and recycling plant to process 100,000 tonnes per annum of Municipal Solid Waste (MSW) and Commercial/Industrial Waste (MSW). The applicants state that they anticipate that the majority if, not all, of this waste would be from municipal waste collection services in Hereford and the surrounding areas. Treated material would be exported off site.

1.3 Buildings

The process would be undertaken in a proposed new building 112m x 54m x12m to the eaves, 15m to the apex, a chimney will rise 5m above this. The building itself is a standard twin-bay steel portal building with profiled steel cladding and blockwork. The roof would be curved profiled metal cladding, the floor would be concrete. Three-storey offices, staff facilities and a visitor centre (550 sq metre floorscape) and viewing gallery would be located at the west end of the building, with operational processes concentrated in the southern half of the building and vehicle movement areas within the northern half. Vehicle access would be through two doors, each 6m wide and 5.1m tall. Separate pedestrian doors are also proposed.

DEFERRED APPLICATION

- 1.4 The application also includes proposals for two weighbridges and an associated office, car parking and fuel and water tanks. The site as a whole is 2.56 hectares in size, of which the buildings would cover 0.72 hectares, hardstandings for waste vehicles (to the north of the building) 0.34 hectares, and car parking (30 spaces to the south) 0.2 hectares, leaving about half the site undeveloped.
- 1.5 **Process**
The proposed operations are to tip waste for treatment onto a concrete floor within the reception hall, transfer it via a loading shovel into feed hoppers where it would be checked and bulky or prohibited items removed. From the hopper waste would be conveyed through barriers and weighing systems to remove oversized materials into one of two 70 tonne intermediate storage hoppers to allow batch processing and monitoring of the waste through either of the two proposed autoclaves.
- 1.6 The applicants state that wastes would be cleared from the working floor each day and that any overnight waste stored in the hoppers would be covered to minimise smells and prevent access by vermin. The two autoclaves would each be 3m in diameter, 18m long and could contain 20 tonnes of waste. The autoclaves would be sealed, the waste treated with steam at 160 degrees centigrade under low pressure (5 bar) and rotated at 12RPM. Steam would be injected for around 15 minutes at a constant basis and maintained for 30 to 40 minutes (dependant upon the waste processed).
- 1.7 Treated wastes would consist of sanitised products (metals and plastics) (less than 20%), homogenous organic fibre (more than 60%) and sanitised waste for landfill (less than 20%), these would be screened using a trommel, sieves and air classifiers to separate out the lighter material (organic fibre) and heavier materials (grit, glass and metals) which would be further separated by magnet, eddy current separator and by machine or hand sorting into distinct streams for packaging and onward distribution. The proposed end use would be a mixture of landfill (residual waste, less than 20%), direct recyclables (e.g. metals and plastics about 20%) for re-use. The applicants state that the greater part of the treated waste (60% +) would be organic fibre capable of being used for a number of applications, including insulation, fibre board, as a bio-mass fuel or, after further treatment, as a compost. The waste volume is stated to be reduced by around 65% by the process.
- 1.8 **Emissions**
The applicants emphasise that no emissions should be released to atmosphere by the process except steam escaping when the autoclave door is opened for the removal of treated wastes and steam evaporating from the treated waste as it goes through the various processes to separate out recyclables, etc. These emissions would be captured by extractor fans, condensed and re-used, Negative air pressure is proposed within the building as a whole to treat air within the building to remove particulates (via a wringing separator) and odours (using an ultra-violet/ozonation system). The intention is stated that no wastes would be stored overnight except in case of breakdown or emergency.
- 1.9 **Hours of Operation**
The proposal is to operate the site for 16 hours a day (6 am to 10 pm), 5 days a week (not weekends or Bank Holidays except for maintenance or in exceptional circumstances), the applicants state that permission for out of hours working is required to allow for essential maintenance and have asked for approval to work up to 10 additional days per annum (either Saturdays or Sundays) subject to prior approval in advance, to allow flexibility for peaks in demand.

DEFERRED APPLICATION**1.10 Vehicle Movements**

Vehicle movements into and out of the site are proposed from 7.00 a.m. to 6.00 p.m. and the applicants state that the doors of the facility would be closed outside these hours. The submitted environmental statement predicts that there would be 160 vehicle movements per day, this has subsequently been revised to an estimate that given imports of 400 tonnes per day over 5 days per week and 50 weeks per year (equivalent to 100,000 tonnes) about 50% would be delivered in ten tonne loads and 50% in 17.5 tonne loads. This gives an estimated 58 waste movements in per day and on the same basis 54 movements removing treated waste, i.e. a generation of 112 HGV movements per normal day, with a maximum of 160 movements per day (80 in and 80 out). An estimated 26 people would be employed and would generate additional car movements divided between two shifts per day. Vehicles would be under the applicants' direct or contractual control and could therefore be limited to prescribed routes. The primary access proposed is off the A465 trunk road along the B4352, past Clehonger and south along Roman Road at the Comet crossroads to the site.

1.11 Drainage

Rainwater would be drained into an external collection tank to supplement mains water to feed the boiler. Water from external hardstandings would be drained to the industrial estate's existing drainage system discharging into the Coldstone Brook via two oil interceptor/grit traps. Dirty water (e.g. washdown waters from the process building) and sewage would be discharged to foul sewer.

1.12 External Activities

The proposal includes signs at the entrance, lighting, to provide a minimum of 25 lux for external areas, security gates and supplementary fencing (details to be agreed) and a small landscaping block 800 sq metres to the south east of the main building. The applicants state that space constraints limit the potential for further landscape planting but that hedges and trees at the far end of the site would be retained.

1.13 Environmental Controls

Proposed methods of controlling odour, dust, litter, vermin, noise and air quality are set out. It is estimated that external construction would take 8 months and internal, 4 months, working 7am until 7pm weekdays and 9am - 5pm Saturdays, and would require 3 temporary porta-cabins on site.

1.14 The application is accompanied by plans and a statement of support, letters of clarification and a statutory Environmental Statement. The Environmental Statement includes, inter-alia, an assessment of the proposed development and design principles, planning policy, need, alternatives and BPEO 'Best Practicable Environmental Option', and assessments of effects on traffic, agricultural quality, ecology, noise and vibration, archaeology and other issues. Ten possible sites for the proposal are discussed with the conclusion that the Madley site was the best. The Ecological Survey of the site found one Great Crested Newt on one occasion, adjoining the application site boundary. This is a European Protected Species. 34 smooth newt larvae were also found in a concrete water sump on site but no other protected species.

1.15 The applicants have held two demonstrations on site, one open to the public, using a reduced scale plant.

DEFERRED APPLICATION**2. Policies****2.1 EU**

Framework Directive on Waste
(75/442 EC as amended by 91/156/EC)

Directive on the Landfill of Waste
(99/31/EC) (CD 41)

Directive on Waste Incineration
(2000/76/EC) (CD 42)

A Community Strategy for Waste Management (European Resolutions Adopted in 1997)

2.2 Planning Policy Guidance

PPG.1 (Revised)	-	General Policy & Principles
PPG.10	-	Planning & Waste Management
PPG.23	-	Planning & Pollution Control

2.3 Waste Strategy 2000**2.4 Hereford and Worcester County Structure Plan**

Policy WD.2	-	Waste Handling & Disposal
Policy WD.3	-	DC Considerations
Policy E.14	-	New Industrial Development
Policy E.15	-	Dangerous or Difficult Waste
Policy CTC.4	-	Nature Conservation
Policy CTC.9	-	Development Requirements
Policy CTC.10	-	Protected Species

2.5 South Herefordshire District Local Plan

Policy GD.1	-	General Development Criteria
Policy C.2	-	Settlement Boundaries
Policy C.9	-	Landscape Features
Policy C.13	-	Protection of Nature Conservation
Policy C.14	-	Ponds
Policy C.15	-	Creation of New Sites for Nature Conservation
Policy C.16	-	Protection of Species
Policy C.32	-	Archaeological Information
Policy C.34	-	Preservation of Archaeological Features
Policy C.40	-	Provision of Services
Policy C.43	-	Foul Sewerage
Policy C.45	-	Drainage
Policy C.46	-	Groundwater
Policy C.47	-	Pollution
Policy C.48	-	Health & Safety
Policy ED.1	-	Employment Land
Policy ED.2	-	Employment Land

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Policy CF.6	-	Access for All
Policy T.1A	-	Transport
Policy T.2	-	Environmental Impact
Policy T.3	-	Highway Safety
Policy T.4	-	Highway Standards
Map 34A	-	Madley Airfield
Madley Airfield		
Policy 1		
Policy 2		
Policy 3		

2.6 Unitary Development Plan (Deposit Draft)

Policy S.1	-	Sustainable Development
Policy S.2	-	Development Requirements
Policy S.4	-	Employment
Policy S.6	-	Transport
Policy S.7	-	Natural & Historic Heritage
Policy S.10	-	Waste
Policy S.11	-	Community Facilities
Policy DR.1	-	Design
Policy DR.2	-	Land Use & Activity
Policy DR.3	-	Movement
Policy DR.4	-	Environment
Policy DR.6	-	Water Resources
Policy DR.9	-	Air Quality
Policy DR.10	-	Contaminated Land
Policy DR.13	-	Noise
Policy DR.14	-	Lighting
Policy E.5	-	Safeguarding Employment Land
Policy E.8	-	Design Standards
Policy T.6	-	Walking
Policy T.7	-	Cycling
Policy T.8	-	Road Hierarchy
Policy T.9	-	Road Freight
Policy T.11	-	Parking
Policy T.16	-	Access for All
Policy LA.2	-	Landscape Character
Policy LA.3	-	Setting of Settlements
Policy LA.6	-	Landscaping
Policy NC.1	-	Nature Conservation
Policy NC.5	-	European Protected Species
Policy NC.6	-	Bio-diversity
Policy NC.7	-	Compensation
Policy NC.8	-	Habitat Creation
Policy NC.9	-	Monitoring
Policy Arch 1	-	Archaeological Assessment
Policy Arch 6	-	Recording
Policy W.1	-	Waste Management Facilities
Policy W.3	-	Waste Transportation
Policy W.4	-	Temporary Permissions
Policy W.5	-	Waste Management Licensing
Policy W.9	-	Reclamation

DEFERRED APPLICATION

Policy W.11	-	Waste Implications
Policy CF.1	-	Utility Services
Policy CF.2	-	Foul Drainage
Policy CF.4	-	Renewable Energy

3. Planning History

- 3.1 SW2002/0044/F Erection of proposed industrial unit and offices, Use Classes B1 and B8 - Granted 03.04.02

Adjoining land - 23 permissions for industrial or related development have been granted since 1993, including 13 extensions to existing businesses or new industrial buildings and two changes of use to B2 uses, and one for an emergency stop-over site for gypsies. Ten earlier permissions in the 1980s and 1990s include, inter-alia, use of the site as a transport depot and HGV training centre.

4. Consultation SummaryStatutory Consultations

- 4.1 Environment Agency – have no objection in principle but express concern about two potential groundwater issues arising from a) the previous use of the site (notably as a military airfield), and the possibility of associated contamination, and b) the potential contamination that might arise from the proposal (e.g. from how wastes are accepted, stored, processed and how waste water is dealt with).

Conditions requiring further site investigations to identify potential contamination and to develop appropriate risk strategies and methods of dealing with any contamination and details of how wastes are accepted, stored and processed are recommended.

The Agency state that the site is not located within the Agency's Indicative Flood Plain and note that sustainable urban drainage techniques should be included and recommend that conditions be imposed on any permission to control surface water drainage for both pollution and flood control reasons.

They also state a Waste Management Licence would be required for the development in accordance with the Environmental Protection Act 1990.

- 4.2 English Nature – Support the principle in the Government Waste Strategy that waste disposal should only be considered when re-use, recycling, energy recovery and composting options have been exhausted and accept that additional facilities will be needed to increase capacity for the re-use and recycling of waste, comment that the Council should use an appraisal framework to determine where such facilities should be located and that any such locations should optimise use of existing infrastructure and minimise loss of valuable habitat, natural features or harm to the environment.

With respect to the current application they note that:

- the development is not included or adjacent to statutorily protected features of wildlife or geological interest and that the development would not harm the interests of the nearest SSSIs

DEFERRED APPLICATION

- that English Nature has no information to suggest that the site is of high value for nature conservation
- that one Great Crested Newt was found on site, endorse the recommendation in the Environmental Statement and recommend that conditions should be imposed requiring a spring survey and the requirement of appropriate mitigation to require a detailed plan for the creation and management of wildlife habitats on site.

- 4.3 Herefordshire Nature Trust – Any response will be reported orally.
- 4.4 ODPM – Have been sent three copies of the Environmental Statement, have discussed the proposal orally with officers and not stated that they intend to comment or call the application in.
- 4.5 HSE – Note that the proposal would not include special, hazardous or radio-active wastes and would not therefore on health or safety grounds advise against the granting of planning permission.
- 4.6 BT – Wholesale, do not have any problems in providing network services to a development on this site.

BT – Madley Communications Centre – have no objection to the waste facility itself – request being kept up to date on any variations to that proposed and of the Council's view regarding the suitability of the highways infrastructure and urge that a lower speed limit be considered for this stretch of road.

- 4.7 Network Rail – have stated orally that they do not wish to comment.
- 4.8 Dwr Cymru - Welsh Water – state that in relation to Policy 2 (Madley Airfield) of the Local Plan which states “any further development on the estate will not normally be permitted until satisfactory drainage and foul sewerage arrangements are made” “unfortunately no funding was allocated to undertake the necessary improvement works in this area within the current Capital Investment Programme (years 2000-2005). However moderate improvement works have been undertaken over the past year with savings made in other improvement schemes, these works were not to provide additional capacity but to prevent further hydraulic overloading of the public sewerage system. Since these works were commenced there has been no re-occurrence of the hydraulic overloading of the public sewerage system.

We would request that the sewerage aspect of the above policy remains unchanged, as no further capacity has been alleviated within the public sewerage system as aforementioned. We must however consider each development on its own merits and with regards to the domestic foul flows from the proposed development, these would have no adverse impact on the public sewerage system and they have therefore raised no objections to the planning application.

In relation to a trade effluent discharge from the proposed development, which is independent of the planning process, we have been in discussions with the developer regarding the proposed development site. In order to discharge trade effluent to the public sewerage system, if a consent is permitted, the developer will either have to fund upgrading works to the public sewerage system by an additional capacity or connect directly to the Waste Water Treatment Works.

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We will inform you if any improvement works are to be undertaken on the public sewerage system in the area within the next capital investment programme (years 2005-2010) which will allow us to request an alteration of this policy. Determination of improvement works for the next capital investment programme will be known at the latter part of this year."

- 4.9 Highways Agency comment: "Despite the scale of this proposal and the nature of the net traffic generation there are no operational, capacity or safety issues raised by this proposal. As the A465 is a non-core Trunk Road we are required to be mindful of the views of the successor highway authority. We are not aware of any specific concerns regarding these proposals we would confirm that we would not be making any comments that require any further action on these proposals. A formal TR110 notice has been enclosed confirming this response."
- 4.10 CPRE – Wish to conditionally support the proposal. They have concerns about the impact of increased HGV movements locally but feel that with careful conditioning the adverse traffic impact would be more than outweighed by the other far reaching environmental benefits which would occur. Their comments also take account of:
- a) the reduced impact of HGV movements from this county to the current out of county landfill site once the proposed plant is operational,
 - b) the potential for an overall reduction of wasteland to landfill,
 - c) the potential savings in operating the current kerbside waste collection services and increased opportunities for recycling,
 - d) the relatively minor effects the building housing the plant would have on this industrial estate setting on the wider landscape,
 - e) their view, based on knowledge of plants employing similar technology elsewhere, that the process is relatively benign with minimal emissions and limited risk of harm to the environment.

They request that suitable conditions are attached to any consent to protect as far as is possible the residential amenity of persons residing in the locality.

In a second letter they further requested that a condition be imposed to limit the treatment of waste at the plant to material from sources within the county of Herefordshire only in order to minimise the adverse impact on the local highway infrastructure and the consequential effects on residential amenity.

- 4.11 DEFRA (Waste Processing Policy Unit) comment:

"There are a number of these autoclave systems being marketed in the UK for the treatment of mixed municipal waste.

I can confirm that the material recovery rates claimed for the proposed Estech facility are in line with other suppliers and are based on trials on demonstration units. The figures will no doubt vary according to the feedstock gathered – e.g. the level of bank and kerbside collection activity will change the characteristics of the waste.

Similarly the outlets for the fibre product are all potentially viable and being actively developed by others. Use as a fuel is probably the most secure outlet and may benefit from a premium price if the quality and type of use qualifies it as a renewable energy source which benefits from the Renewable Obligation (also helps to have a coal fired power station in the vicinity).

DEFERRED APPLICATION

Similarly use in the manufacture of fibreboard and other construction products is a possibility but there may be market perceptions to overcome and the quality of the fibre probably becomes more critical to success.

Some others have claimed that a compost product is viable but I think to be assured of a secure market, the quality would have to be as good as compost produced from segregated green waste. But there are other options such as anaerobic digestion which can provide further opportunities for removing contaminants.

The letter you attached from Estech Europe fairly reflects the claims made by industry based on limited/demo scale plant operational experience. I do not know how many commercial units of this technology are operating in Europe or USA.

I presume that the performance of the plant and the preferred use of the outputs has been checked against your requirements in respect of best value performance targets for Herefordshire and the future requirements to divert bio MSW from landfill.

For our part in Waste Strategy we are pleased to hear of local authorities actively considering new technologies such as autoclaving.”

Internal Council Advice

4.12 Internal consultations have also been undertaken.

and responses are summarised in the report.

4.13 The application was advertised in two local newspapers on two successive weeks and on site. 37 neighbour notification letters were also sent out.

5. Representations

5.1 Madley Parish Council state:

“The Parish council strongly objects to this application on 16 grounds, summarised that:

- The Environmental Statement, states that the development “would not have any significant adverse impact on the local road network”. The Parish Council believes that it would have a “major significance”.
- The increase in the movements of HGV’s is unacceptable.
- The stated vehicle movements will not be evenly spaced and would result in convoys of HGVs along the route.
- Although the suggested route is A465 / B4352 / Stoney Street, drivers to the site will undoubtedly use all available routes.
- All available routes to the site are unsuitable and this is explained in detail.
- The increase in the number of HGVs would not only increase the number of accidents but their involvement would make any accident more serious.
- The BT site on Stoney Street is a UK Economic Key Point (category 2). This requires that emergency vehicles have unrestricted access to the site on ALL roads, in the event of an emergency. The increase in traffic and the narrow section near The Comet would have a direct bearing on this access.

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- It is anticipated that waste would come from Herefordshire and parts of Worcestershire. It is a concern that in the future, waste would come from even further afield and the traffic increases would be greater.
- The hours of operation of the facility could well increase in the future.
- It is possible that numbers of waste-filled lorries will be waiting for the gates to open at 7.00 a.m.
- The facility would be very close to two schools and to watercourses. There are no guarantees given that dangerous or toxic wastes would not come to the site, and "minor contamination" is a possibility.
- The amount of water needed for the process could well have implications for residents, especially during the increasing periods of low rainfall.
- Villages in the surrounding area have had numerous problems regarding sewerage capacity. The "daily washdown" would only exacerbate this.
- There is no existing facility anywhere to enable a true assessment of the environmental impact of the procedure.
- The criteria used regarding alternative sites are at best, misleading and possibly biased.
- Alternative sites at Rotherwas and Moreton-on-Lugg are far more suitable than the Madley site.
- On December 1st 2003, more than 130 people turned up at the Madley Parish Council Meeting, to voice their objections to this application.

5.2 At the time of writing 411 letters and e-mails of objection, including a petition of 20 names, have been received, including those from Kingstone, Eaton Bishop, Clehonger, Belmont Rural, and Kilpeck Group Parish Councils, Friends of the Earth, Age Concern, Hereford Civic Society, Friends of the Earth and the Green Party. A Group called Waste Watchers has made 8 representations. Some of these are numerous and lengthy, the points made cannot easily be summarised but in essence the objections particularly draw attention to issues relating to possible health and safety risks, problems arising from new and unproven technology, the scale of the proposal, that it does not comply with national and local policies, that alternative technologies and other better sites exist, that the claims made by the applicant are wrong, misleading or unproven, that the Council would be wrong in policy, legal and environmental terms to approved it, that the application is premature in terms of the Unitary Development Plan and the Council's waste policies and that the Council should refuse it until these are further progressed, that the Council is implicated in or inappropriately involved with the proposal, the potential for pollution and its effects, effects on water resources and quality, the undesirable intensification of the industrial estate, effects on local amenities and businesses, problems arising from nuisances, smell, noise, steam, smoke, fumes, effluent and from 24 hour working, overlooking, effects on the landscape, ecology and protected species, the importance of the BPEO concept and the proximity principle, the possibility of judicial review and human rights issues. The most significant single area of concern raised by objectors, however, is that arising from the increased volume of traffic, particularly the increase in the number of large vehicles, increases in congestion both close to the site and far afield, especially Hereford itself, and the increased risk of accidents to local people.

A copy of a 'mandate' stating "This is to certify that I wish the group called 'Waste Watchers' to represent me in my opposition to the above Planning Application" signed by 1,868 people (officers' count) and by 1,879 people (according to the covering letter) has been submitted.

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- 5.3 Seven letters of support have also been received, including one from Mercia Waste Management.

Summarised these letters draw attention to issues relating to the ease with which waste can be treated in built-up areas without nuisance, the advantages of the Council being pro-active in dealing with waste, beneficial local employment and reduced rates, that earlier businesses on site have generated more traffic (from haulage and car boot sales), smells (pig farming, chicken sheds and plastic manufacturing) than the application, that the proposal would form part of the overall management of the County's waste, that the creation of a locally based treatment plant is inherently desirable, that the proximity of the site would not adversely affect respondents' own businesses on the estate and that the benefits outweigh the drawbacks.

The full text of these letters can be inspected at Planning Services: Minerals & Waste, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 For clarification, Members should be aware that the applicants have stated their intention to treat Herefordshire's waste (supplementing with waste from outside the county until the local waste generation matches the capacity of the plant). Waste collected by the Council is however at present dealt with in accordance with the Council's Integrated Waste Management Contract with Worcestershire County Council and Mercia Waste Limited. All the parties to the contract would need to agree to give the applicant access to the waste collected by the two Councils before it could be treated on site. No such agreements are in place. Members should also be aware that if permission were to be granted the applicant would need a Waste Management Licence (or comparable permit) from the Environment Agency. The Licence would control the kinds of waste and how they are to be treated in order to minimise the risk of pollution. The Agency has discretionary powers to refuse licences, require them to be modified and has powers of prosecution.
- 6.2 In order to operate in accordance with the application proposal therefore, the applicant would need not only planning permission but a Waste Management Licence/Permit from the Environment Agency and a contract to treat the Council's waste. Only if all three are obtained would the proposal be workable as applied for. Only the application for planning permission is before Members at this meeting.
- 6.3 Officers consider that it is a matter of fundamental importance that the proposal could only be granted permission if it accorded with the National Waste Strategy and the principles of Best Practicable Environmental Option (BPEO). These are dealt with below but all other considerations apart, on the basis of the current application and consultations, officers consider that the Council could only reasonably grant planning permission for the proposal if it is principally for the treatment of Municipal Solid Household and Commercial Waste (MSW) (but not Industrial Waste) generated within Herefordshire, with only subordinate supplements of the same material generated from Worcestershire and that if permission were to be granted it would be conditioned on this basis. The whole of this report is based on that assumption and the matter should be deferred if this is not acceptable.
- 6.4 To clarify the wide range of issues the application is considered under the following headings:

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- National Policy Considerations, The BPEO Concept and issues regarding new technology,
- Safety and Perceptions of Safety, European Protected Species and the Madley Communications Centre
- The Use Class of the proposal itself and the Land Use designation of the site in the existing Local Plan and Consultation Draft UDP; Waste Policy Issues,
- Site specific issues, effects on landscape, design, archaeology, effects on ground and surface waters, drainage and foul sewerage, nature conservation, effects on local settlements and the amenities of local people, noise, air quality, odour, dust, and light pollution, local road network and road safety and other matters raised by objectors
- BPEO

National Policy Context

- 6.5 National waste policy is in essence based on the European Framework Directive on Waste, which has been brought into English law and the principles of sustainability. The published "Waste Strategy 2000" describes the government's vision for managing waste and sets out guidelines on how the changes necessary will be made. Progressive targets to reduce the amount of municipal waste sent to landfill are imposed. The Strategy expects planning decisions for waste treatment and disposal to be based on a local assessment of the Best Practical Environmental Option (BPEO) for individual waste streams.
- 6.6 The courts have held that these matters are material considerations of the greatest weight, which must always be kept in mind when making planning decisions regarding waste, and that such decisions must be in line with the BPEO.
- 6.7 The West Midlands Regional Technical Advisory Body for Waste has submitted a Draft Regional Waste Management Strategy to the Regional Planning Body. The Strategy identifies the need for further facilities in the Counties to meet national targets. It does not prescribe specific methods or locations for waste treatment facilities. The Consultation Draft UDP incorporates the basic requirements of both the Waste Strategy 2000 and the Draft Regional Waste Management Strategy.

BPEO (Background)

- 6.8 The BPEO concept was first outlined by the Royal Commission on Environmental Pollution (RCEP) in 1976 as an extension of the "Best Practical Means" concept, a principle used in air pollution control since the Alkali Act 1874.

The RCEP's 12th report 1988 elaborated the BPEO concept and produced the most widely used summary of BPEO as

"the outcome of a systematic, consultative and decision-making procedure which emphasises the protection and conservation of the environment across land, air and water. The BPEO procedure establishes for a given set of objectives, the option that provides the most benefits or least damage to the environment as a whole, at acceptable cost in the long term as well as the short term".

- 6.9 Simplified, the concept requires that decisions relating to waste management should minimise damage to the environment as a whole at acceptable cost in both the long

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and the short term, taking into account what is affordable and practicable. Local environmental, social and economic considerations are important and in practice the BPEO for a particular waste stream may be different in different areas or in the same area at different times. Related principles which must be taken in to account are:

- The **waste hierarchy** - that the most effective environmental solutions are usually to reduce waste generation, then to re-use it, recycle, compost, or recover energy from it and that only if none of these are appropriate should it be disposed of (i.e. to landfill).
- The **Proximity Principle** – i.e. that waste should ideally be disposed of as close as possible to its point of origin, and
- **Regional Self-Sufficiency** – that a locale should wherever possible deal with the waste it generates itself.

These are all incorporated into PPG 10.

The concept of BPEO must be interpreted widely. The report is structured to assess first of all

- If the application should be granted permission within the terms of the 1990 Act.
- And if so, if it is the BPEO.

Objectors have expressed concern about the need to demonstrate the proposal is BPEO.

PPG.1

PPG.1 advises that – “Material considerations must be genuine planning considerations, i.e. they must be related to the purpose of planning legislation which is to regulate the use of land in the public interest and that when determining applications they must take into account any relevant views however local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission, unless that opposition or support is founded upon valid planning reasons which can be substantiated.”

6.10 Safety and Perceptions of Safety

The safety of a proposal and public perceptions of that safety are material considerations. In this case the Health and Safety Executive have expressly stated that they “would not ... on health and safety grounds advise against the granting of planning permission.” The District Commander Herefordshire for the Fire Brigade, does not wish to comment on the application and has orally informed officers that he has also considered the possible highway safety implications of the application and that he does not object to it or wish to recommend conditions. In the circumstances, officers’ advice is that the application could not realistically be refused on the grounds that it was unsafe.

The public perception that it is unsafe is nonetheless material, regardless of the justification or otherwise for that perception. Officers advice is however that in this case permission could not reasonably be refused on the basis of objectors’ perceptions that it was unsafe.

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6.11 Madley Communications Centre

Members will be aware that the Madley Communications Centre is close to the site. The Centre is nationally important within the UK Communications Network. Neither BT regionally or locally have objected to the proposal or requested conditions be imposed if permission were to be granted. There are no grounds for refusal with regard to the Communications Centre.

6.12 Internationally Protected Species

The applicants have identified that the concrete water tank (circa 8m x 8m) within the site is an important amphibian habitat and found a single Great Crested Newt on the boundary of the application site, on one of five site surveys. Great Crested Newts are a European Protected Species and neither they or their habitats may be disturbed or damaged without a licence. In this case, the applicants propose to undertake further survey work and if appropriate to obtain a suitable licence from DEFRA to undertake whatever is necessary. The potential to construct any necessary mitigation exists on site. English Nature endorse the applicants' recommendations and recommend that if permission were to be granted a further survey should be undertaken and that if Great Crested Newts are found the development should not commence until an appropriate licencing scheme has been approved. They also recommend that a detailed plan for the creation and management of wildlife habitats is necessary. These are supported by the Council's Ecologist, all of these could be required by condition.

6.13 Use Class of the Proposed Development

There is no specific use class for autoclaving. There is a case therefore for arguing that the proposal is sui generis. If, however, the use were to be more closely defined, as the treatment of Municipal Solid Household and Commercial (but not Industrial) Waste, something which could be required by condition, it is possible to define it more precisely. Many waste uses can be treated in this way as sui generis when mixed waste types are involved and B2 when only a specific type is. A municipal waste deposit, treating, keeping, storage or disposal place is defined as sui generis – but B2 where it is waste treating only. Other comparable uses, e.g. a waste treatment place or waste sorting place are also B2. It is also of interest that a steam cleaning place is B1 and B2 where it is potentially detrimental to residential amenity. A steam production place is B2. Officers consider it reasonable therefore regarding the general definition of B2 uses and the nature of the application to advise that if permission were to be granted and conditions imposed to limit the waste imported to Municipal Solid Household and Commercial Waste then the application should be considered a B2 use. If no such condition were to be imposed it would be considered a sui generis use.

6.14 The Land Use Designation of the Application Site

The precise points of use definition are however less important than the fact that the proposal is clearly not that prescribed for this site in the Local Plan.

The application site is currently designated for B1 and B8 uses in Policy ED.2 of the South Herefordshire District Local Plan. Against this background the grant of planning permission would be contrary to Adopted Development Plan policy. However, Members should be aware of two highly material considerations:

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- 1) that planning permission has already been given for changes of use to B2 use on adjoining sites (Hangar 5 and Unit 6, reference SH970820 and for the AW Engineering Site (reference SW2000/0775) and that another operation currently on site, Gelpack is clearly already a B2 use;
- 2) that the site is identified in Policy E.5 of the Consultation Draft UDP as safeguarded land for employment purposes. The supporting text states “employment land and premises will be reserved for uses within Part B of the Use Classes Order, or on appropriate sites other acceptable sui generis employment uses which would otherwise be difficult to locate, such as motor car display and sales, tool hire depots, builders merchants and recycling facilities.” There are therefore two clear precedents of granting permission for B2 uses on the site and there is a developing policy for such uses and sui generis recycling type developments on the site. It would not be unreasonable therefore to grant permission for this kind of use and it could not be argued that the proposal must be refused on land use designation grounds.

Members should also be aware that the proposal would not, by reason of its scale, nature or location, significantly prejudice the implementation of the Development Plan.

Waste Policy Considerations**6.15 Regional Policy**

The West Midlands Draft Regional Waste Strategy is being used to inform the developing regional planning system. The strategy emphasises the principles of the BPEO, particularly local self-sufficiency and the provision of adequate facilities. The strategy is necessarily general but the proposal would be in conformity with it.

Structure Plan Policy

- 6.16 Structure Plan policies, notably WD2, specifically draw attention to the geographical and transportation relationship between the sources of waste and proposed handling and disposal facilities and this itself relates naturally to the more recent concept of the Proximity Principle. The County's Municipal Solid Waste is generated by householders throughout the county and to a lesser extent by the Council itself collecting commercial waste, mostly from the market towns. The greatest single source of this waste stream is Hereford City. At present solid waste collections are concentrated at the Council's Waste Transfer Station (WTS) at Leominster and at the WTS and Materials Reclamation Facility (MRF) at Rotherwas (about two-thirds). The greater part of this waste is currently taken to Lower Moor, near Pershore and landfilled. The application site is relatively close to Hereford and reasonably accessible, both to the city and Leominster.

The applicants have submitted details of the existing and proposed HGV traffic flows if permission were to be granted, these demonstrate that on a like for like comparison with 2002/3 that treating the County's waste at the Madley site would create a reduction in waste transportation (in terms of tonne miles) from circa 2.6 million tonnes miles to 1.4 million tonnes miles. This analysis does not include other wastes which might arise over time or be imported from outside the County but it does undoubtedly demonstrate a substantial reduction in traffic movements on the existing position.

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Officers consider that the proposal would therefore accord with this Structure Plan Policy.

The Policy also requires the need for the facility to be established. The County's current waste treatment methods and its reliance on landfilling an excessively high proportion of that waste does not accord with national policy. Officers are satisfied that the need for this kind of facility is amply demonstrated in the Council's BPEO Report and would be entirely in accordance with National Policy and emerging Regional and UDP Policy.

The cumulative impact of facilities is also a significant policy consideration and the issue is best addressed in connection with other development plan criteria.

- 6.17 Structure Plan Policy CTC.9 (Development Requirements) and Local Plan Policy GD.1 (General Development Control Requirements) set out a range of general criteria under which applications should be assessed. Many other policies amplify these. For simplicity's sake the application is addressed under general headings, but Members should consider the proposal in the light of all National and Development Plan Policies, particularly those noted in section 2 above.

6.18 Effects on the Landscape

The landscape of the area around the industrial estate is described as Principled Settled Farmlands in the Council's Landscape Character Assessment. The topography is generally flat, roadside hedges are low and do not particularly screen views around the site. The land to the south is very open, rising to the higher land of the Golden Valley to the south-west, an area of Great Landscape Value. There are significant settlements and large intensive agricultural units in the adjoining landscape.

The existing buildings on site include modern industrial units and two former aircraft hangars. There are groups of smaller industrial and former intensive agricultural buildings on the Dene Industrial Estate and Webton Business Park. The proposed building would be very large scale and at least the upper part would be visible from the Kingstone – Brampton and particularly the Brampton – Madley roads, and from distant viewpoints such as Brampton Hill. Views from Stoney Street when travelling south are more limited because of intervening bands of woodland and trees.

Officers are in general agreement with the landscape and visual amenity assessment contained in the Environmental Statement that the development would be seen in the context of existing industrial development from all locations in the vicinity. The Chief Conservation Officer considers that the existing industrial estate is already a significant visual detractor in this area and that the addition of further building, which is large in terms of footprint, but not in terms of vertical style, would not worsen the situation, providing that substantial planting could be undertaken to screen the site from views from the south and west. Officers consider that it could not be argued that the proposal would have unacceptably adverse effects on the Area of Great Landscape Value. The Chief Conservation Officer considers that the proposed development would be acceptable visually if a strip of planting (native species) some 15 metres wide is established along the southern and eastern boundaries and a line of hedgerow trees is planted along the western boundary of the proposed car park. This would be in accordance with Policy 3 of the South Herefordshire District Local Plan Madley Airfield Policies, which states that:

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“The Council will strive to achieve further landscaping as screening around the boundaries of the estate wherever appropriate and necessary as opportunities arise.”

The applicants have explained orally that for technical (vehicle manoeuvring) reasons they cannot move the entire building to the north, but could pivot it northwards from its south-western corner. Officers believe that this would be sufficient to enable a thick belt to be planted along the greater part of the boundary, that this would acceptably mitigate the impact of the proposal and that if permission was granted would recommend a condition to this effect.

6.19 Design Considerations

The proposed building itself is largely functional in design, although efforts have been made to reduce its apparent size and scale by use of a curved roof, panels on the side and a different form for its offices. Officers consider that it would be beneficial if the design could be amended to reduce its size and scale. The unbroken ridge length of some 115 metres would be improved if it were to be broken up and more interest could be created if the walls were to be extended up to the level of the roller shutter doors, additional panels were to be added and if the ground floor piers were to be structured visually. The applicants have orally agreed to this in principle, and to accept a condition to this effect. Officers believe that these amendments to the landscaping around the site and to the design of the building would be sufficient to overcome their reservations and to make the proposal acceptable visually and in terms of its impact on both the wider and immediate landscape.

6.20 Effects on Matters of Archaeological Importance

Detailed discussions have been undertaken between officers and the applicant with regard to what is considered a potentially sensitive site. Officers consider that the archaeological interests of the site are acknowledged in the Environmental Statement and that the mitigation proposed is broadly acceptable. Officers would have no objection on archaeological grounds for planning permission to be granted subject to the imposition of the standard (Archaeology) condition D01.

6.21 Effects on Ground and Surface Waters and Drainage and Foul Sewerage

The Environment Agency have no objection to the application but express concern about the possible risks to groundwater from the nature of the previous use and the possibility of contamination associated with this, and the potential for contamination that might result from the processes applied for. They do not consider that sufficient site investigation has been undertaken to date and recommend that if permission were to be granted that conditions should be imposed to require further site investigation, the development of a conceptual model and risk assessment arising from the discovery of potential contaminants. They also recommend conditions to define and control how and where waste and waste waters are to be accepted, stored and processed, and how treated waste is to be stored and waste water to be disposed of.

Although the issue is a matter of public concern and is specifically referred to in the South Herefordshire Local Plan, the Environment Agency state that the proposal is not located within the Agency's Indicative Flood Plain. The Council's Drainage Officer has also commented that it is necessary to ensure that there will be no pollution or increased flows to the local water course as a result of the proposal and recommends that a condition be imposed to require the approval of land drainage and surface water

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disposal methods prior to commencement. All of these conditions are considered reasonable by officers and should ensure that if permitted the proposal could operate without detriment to ground and surface waters.

Structure Plan Policy E.14 makes a general requirement that the local planning authority needs to be satisfied that adequate provision for disposal of waste products exist or will be provided and the Local Plan Madley Airfield Policy 2 specifically states, inter alia, that “further developments on the estate will not normally be permitted until satisfactory drainage and foul sewerage arrangements are made ...”. Objectors have also expressed concern about the adequacy of the existing network. Officers have consulted Dwr Cymru – Welsh Water specifically on this policy. Their full response is detailed above but in summary they state that “with regard to the domestic foul flows from the proposed development, these would have no adverse impact on the public sewerage system and we have therefore raised no objection to the planning application. In relation to a trade effluent discharge from the proposed development, which is independent of the planning process ... in order to discharge trade effluent ... the developer will either have to fund upgrading works to the public sewerage system to provide additional capacity or connect directly to the waste water treatment works.”

The applicants state that they have employed the Owen Williams Consultancy who are currently discussing capacity and design issues with Dwr Cymru.

Officers’ advice is that the adequacy of the foul drainage system is a material consideration but that in the circumstances the need for and nature of the above works are not such that they would justify the refusal of planning permission.

6.22 Effects on Matters of Nature Conservation Importance

There is a fundamental need to ensure that the interests of Great Crested Newts on site are protected. The issues arising are discussed above.

Objectors have drawn attention to other species on or near the site, English Nature are satisfied however that the proposal is more than 2 kms from any SSSIs and would not harm the special interest of the sites and the County Ecologist has assessed the Environmental Statement and undertaken his own site survey and has no objection subject to the imposition of conditions.

6.23 Effects on Local Settlements and the Amenities of Local People

Objectors have raised a wide range of concerns under these headings. It is important that Members should recognise that although there is some overlap between the planning process, pollution control regime exercised by the Environment Agency and the public and employee safety regimes exercised by the HSE, and the roles of the emergency services, the Courts and Government policy emphasise that the planning system should not be operated as to duplicate controls which are the statutory responsibility of other bodies and “that the planning system must focus on any potential for pollution, but only to the extent that it may affect the current and future uses of land.” The Council must act on the assumption that all of these other bodies will exercise their powers appropriately and competently. None of the statutory consultees have objected to the application or raised issues relating to the protection of local amenities and people which could not be dealt with by the imposition of conditions. The Council does however have an independent role in supplementing

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these bodies by the protection of local amenity. To consider the general headings in turn.

6.24 Noise

The Council's Senior Environmental Health Officer's advice is that the applicant's assessment of noise arising from the use of the process building is unlikely to pose a problem but that conditions could be imposed to limit the maximum night time noise level emitted to 43dBA $L_{Aeq, 1h}$ at the site boundary – in Officers' opinion this would be very unlikely to cause a statutory nuisance to the nearest houses, and further conditions to close doors at night and limit noise at weekends.

6.25 Noise from On Site Deliveries and Vehicles

The Senior Environmental Health Officer also advises that vehicles on site are unlikely to cause a statutory noise nuisance and that a condition could be imposed limiting vehicle movements in and out of the building to between 07.00 and 18.00 hours. The Environmental Statement acknowledges that there would be a moderate impact on housing close to the road network. Officers concur and would add that other properties between Madley and Hereford would also be adversely affected. However they consider that the restriction of vehicle movements to the hours recommended above would mitigate those effects to a satisfactory extent.

6.26 Noise from Construction

Officers do not consider that this should be a particular problem, but bearing in mind the low background noise levels, particularly at night, would recommend that a condition be imposed to limit the hours of noisy operations to normal daytime.

6.27 Air Quality – in the vicinity of the site

The Council's Senior Environmental Health Officer's comments are that:

"The application only considers emissions to air from the two gas fired boilers (used to raise steam) and the emission from increased traffic associated with the development. It therefore presumes that emissions from the autoclaving process will be negligible, on the basis that they internally vented, as they do not result from MSW (municipal solid waste) and CI (commercial/industrial) incineration via a stack. In this respect, it states that the only emissions from the process will be of steam, which will be released on an intermittent basis when the 'treatment' has finished and the autoclave door is opened. The application then states that much of this steam will be captured by a canopy and passed through a condenser for reuse in presumably a virtually closed system.

The application then states that any fugitive emissions escaping from this recirculatory system will be retained in the building (by negative air pressure) and will ultimately pass through dust abatement plant (a 'wringing separator') and odour abatement plant (a UV / ozonation system) before emitted to atmosphere.

From the observed 'scaled-down' trial, I would agree that the process is not combustion and would also agree that the only probable pollutant emissions will be contained within the intermittent steam release when the autoclave doors are opened. Therefore the contentious air pollutants and counter arguments normally associated

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with thermal waste incineration would not appear to be the case here. However, no analysed sample of the steam and its emissions have been presented with the application in support of this.

It is my view that should permission be granted the installation should be regulated by the Environment Agency under:

- (i) A permit to operate a "recovery of waste" activity, bearing in mind the application suggests that the resulting autoclaved fibre may be supplied to power stations as a bio-fuel. (See section 5.5, Part A1 of the Pollution Prevention and Control Regs 2000)

or at very least by

- (ii) A waste management licence

Under PPG 23 "Planning and Pollution", it would not normally be appropriate to propose specific conditions relating to detailed air pollution control measures that will later be regulated by conditions under specific pollution/waste control licences or permits as mentioned above. However, I understand that owing to the nature of this application, some comments would be appropriate. I therefore would offer the following:

It is of paramount importance that the building is maintained under negative pressure and the application suggests this will be achieved. However, I have reservations about this as the building is very large and a significant 'air change per hour' rate will therefore be essential if large vehicular access doors are to be left open in the working day (as the application implies). No 'air lock' HGV entrance doors are offered in the application either, which would overcome the detrimental effects of opening doors. I therefore suggest the following condition:

- "All doors to the building shall be kept firmly closed when not in use."
- "The general building structure and ventilation shall be designed to contain fugitive emissions and ensure containment of steam, odorous air and dust within the building. To achieve this, the ventilation system shall be suitable and sufficient, so as to maintain negative pressure at all times when processing or when steam, odours or dust are likely to be present within the building.

Note: the requirements of a permit or waste management licence are likely to include such measures and in such a case the tighter standard shall prevail."

Abatement plant has been proposed for only dust and odour, although I am not clear of the exact final discharge point to atmosphere. Both proposed abatement systems are supported with text in the appendices, but I have no experience of these designs being used elsewhere in an industrial capacity in Herefordshire. The application presumes there will no emissions other than dust and odour from the autoclaves. I therefore offer the following:

- "Prior to the development of the site, a report shall be submitted to Herefordshire Council, which specifies the levels of all pollutants (including

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dust and odour) within the steam/emissions from the autoclaves and process building and the predicted emission level of these from the discharge point to atmosphere.

Note: Herefordshire Council expects that this report shall be based on the analysis of captured autoclave or stack emissions.”

- “Prior to the discharge of process air from the building, suitable and sufficient abatement plant shall be installed to abate dust and odour (and any other pollutant subject to the receipt of the above mentioned report), prior to its release to atmosphere. These schemes shall be submitted to Herefordshire Council for approval, prior to their installation.

Note: the requirements of a permit or waste management licence are likely to include such measures and set emission limits. In such a case the tighter standard shall prevail.”

- “The discharge point from the odour and dust abatement plant shall be from a stack which emits at a sufficient height for adequate dispersal. An “HMIP D1” calculation showing the calculation of this stack shall be submitted to Herefordshire Council for approval, prior to its construction.

Note: the requirements of a permit or waste management licence are likely to include a similar control measure. In such a case the tighter standard shall prevail.”

I understand that the boilers mentioned in the application are to be solely gas fired. I therefore agree that their emissions will be low for such pollutants as SO₂, UHCs and particulates, although would point out that the pollutants NO_x and CO would be released. As I am led to believe that the size of the boilers will be below those requiring a separate Part B permit under the Pollution Prevention and Control Regs 2000, I would ask you to remind the applicants to both confirm this to be the case and then to remind them to require prior consent for the stack(s) under the Clean Air Act 1993. I would accept an ‘HMIP D1’ calculation in support of this, which the application states has already been undertaken. If they choose to seek a permit from the Environment Agency as an A1 installation, this will not be necessary.”

Members should know that if permission were to be granted a Waste Management Licence/Permit would be required and that the Environment Agency could impose process controls and/or conditions to regulate air quality in or around the site.

6.28 Air Quality – along the route used by HGV vehicles

The Environmental Statement includes a detailed assessment of the effects of traffic impact on air quality. The Council’s Senior Environmental Health Officer acknowledges that the method used is appropriate and agrees that the changes in pollutant levels will be very low along the B4349 and will fall well below the objectives that Herefordshire Council has to meet under its local air quality management obligations.

However, the report does not consider the impact of increased HGV flows in Hereford, where pollutant levels are elevated. In this respect, an Air Quality Management Area was declared in 2001 by Herefordshire Council in Hereford City along the A49 corridor and in particular the Greyfriars Bridge / Belmont Roundabout. This was primarily due

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to elevated traffic emissions and as a consequence this corridor will be subject to an 'Air Quality Action Plan' in the future.

The draft PPG.23 'Planning and Pollution' recognises that a negative air quality impact of a development due to traffic is a material planning consideration. Officers are of the opinion that this application is likely to have a negative impact on air quality in Hereford's Air Quality Management Area. However they consider that this is likely to be slight and unlikely to be sufficiently severe enough to warrant planning refusal on its own.

6.29 Odour

The proposal is to treat Municipal Solid Waste – a type of waste capable of generating unpleasant odours at every stage of the process. The applicants propose to enclose all operations handling this material within a building, to limit storage periods to less than 24 hours, manage the process to minimise spillage, waste degradation and odour production, maintain negative air pressure and to treat odourous air steam to control odour escapes. The nearest houses (Dene Villa and Webstone Court) are relatively distant. The applicants consider that any negative odour impacts would be of low to moderate magnitude and significance to these premises. Other industrial buildings are closer and the area already has a number of intensive agricultural units nearby. Officer discussions with the Environment Agency confirm the potential of odour nuisance from autoclaves. The Environment Agency has powers to regulate the processes involved and any odour emissions through the Waste Management Licencing process and the Senior Environmental Health Officer has powers to regulate any nuisance which might arise. Officers generally consider the applicant's assessment to be plausible and reasonable and they do not consider that the effects of odours on amenities are likely to be so unacceptable as to either create a nuisance or to justify refusal. They recommend that if permission were to be granted that conditions be imposed to require negative air pressure to be maintained at all times within the proposed building and for all processes, including steam condensation, air filtration and odour control equipment to be maintained in accordance with the manufacturer's recommendation. A neighbouring factory, Gelpack Industrial Ltd makes packaging for the food industry. It would be desirable to ensure that there is no offensive odour at the boundary between the two units. Conditions recommended in para 6.27 would enable possible effects to be assessed and an appropriately tight specification for the odour plant ventilation rate and stock height to be prescribed.

6.30 Dust / Flies / Vermin / Litter

Dust

There are a number of potential dust sources at the proposed plant, notably from waste vehicles, vehicle movement, waste handling and construction. The submitted Environmental Statement includes an assessment of these and concludes that it is likely to represent a "low" or "very low" risk of dust nuisance and proposes a number of mitigation measures. Officers consider the assessment and proposals reasonable but repeat the need to protect adjoining businesses from dust pollution and recommend that if permission were to be granted that conditions be imposed to secure these. Members should note, however, that the adjoining area has a number of intensive rearing units which will emit dust and that other agricultural activities in the area will do the same.

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Flies and Vermin

The application mentions various controls they will impose to minimise both potential rat infestations and fly nuisance in hot weather.

The application proposes that all waste will be stored internally, where such problems can be more easily controlled and that the application implies a 24-hour turn around of waste in any case. Officers consider that these issues are best regulated under the conditions of a waste management licence and the suggested planning condition to ensure that waste is not stored/handled externally should take account of potential bad practice.

Litter

The application mentions that incoming waste deliveries will be sheeted over or netted and that handling of waste will be internal only. Again, Officers advice is that these issues are best regulated under the conditions of a waste management licence, the proposed planning condition to ensure that site roads are regularly cleaned by road sweepers could protect local amenities.

6.31 Light Pollution

The need to illuminate the site could cause local light pollution but is a relatively minor consideration which would be controlled by condition.

6.32 Effects on the Local Road Network and Road Safety

The planning application is supported by a Transport Assessment (TA) which is contained within section 5 of the applicant's Environmental Statement (ES). The scope of the TA report was the subject of pre-application discussions between the applicant's consultants and HC Transportation Unit.

The applicant estimates that the proposal would generate about 112 HGV movements per day, with a maximum of 160 per day. Over the proposed opening hours for deliveries/removals (07.00 am to 18.00 pm) this would amount to an average of between 11/12 and 14/15 HGV movements per hour at the site, i.e. about one HGV every 4 or 5 minutes Monday to Friday. In practice some traffic movement might take place on Saturday – this is a requirement of the Council's Waste Contractor. The number of vehicles is likely however to be relatively low but would reduce weekday average movements. Sunday movements are likely to be extremely low and would be necessary only in the case of unusual or unforeseen events. The applicant has already offered to agree to a condition limiting movements at weekends to 10 occasions per year with prior approval. Officers consider that this would be reasonable to both the operators, local people and users of the local highways.

The applicants estimate that the greater part of waste deliveries (95%) would be via the A465 through Hereford, the B4352 and Stoney Street, with only 5% coming from the Hay-on-Wye direction. Processed material is expected to be distributed in different directions with approximately 20% (mostly recycled metals and plastics) going to Hereford, 20% (waste) to be landfilled at Lower Moor, and about 60% further afield, probably along the A465, A49 and M50. Only limited markets for treated material are anticipated in the west and movements of treated material in that direction are considered unlikely to be very high. Staff car travel (14 people/shift) would be

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based around two shifts – (06.00 to 14.00 and 14.00 to 22.00), and is likely to be concentrated outside the normal peak hours.

The possible effects of increased traffic movements arising from the development on local amenities and highway safety and congestion on the adjoining road network are a matter of great concern to objectors, very many of whom have commented on the potential seriousness of these effects. The applicant has included assessments of the existing flows, accident records and the effects of the proposal. It should be noted that these were undertaken at a time (school holidays) and when the bridge at Bridge Sollers is closed, both advantageous to the applicant. The Environmental Statement states that “due to the nature of the area it is not considered that the traffic flows measured will be significantly different to the norm.” Officers consider this to be generally true. The applicants note that the section of Stoney Street to the south-west of the application site is unsuitable and accept that if necessary a routing agreement could be made to avoid this section. Policy Madley Airfield 2 in the Local Plan states inter-alia that “any further developments ... will not normally be permitted until ... the southern end of Stoney Street has been satisfactorily widened and improvements made to the junction of the Class III road from Kingstone.”

Members should be aware that significant further developments have been allowed on the industrial estate since the policy was proposed and the Local Plan has been adopted and that no such widening or improvements have been required of any other applicant. They should also be aware that the above policy is not included in the emerging UDP. It remains nonetheless in the Development Plan and Officers advice is that if permission is granted it should be on the condition that the operator either makes a routing agreement not to use this section of Stoney Street or makes the necessary improvements.

Traffic Impact

The application site lies within the established Stoney Street Industrial Estate. The estate has a long history of planning approvals for all types of "B" class land uses within, some of which are at least as large, if not larger than that proposed. Specific permitted uses on-site have included, or do currently include, road hauliers' yards and an HGV weighing station. Land parcels within the estate, including the application site, could legitimately be proposed for any type of "B" class use, including offices, industry and distribution warehousing.

Therefore, the test of this particular application is to set the traffic generation associated with the proposed waste treatment plant against that which could be expected from the various "B" class land uses noted above. This has been undertaken with recourse to the nationally recognised TRICS trip generation database. This process is summarised in the table below with respect to the same floorspace (12,000sqm) as that proposed by the applicants.

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Land Use	Daily Trips
B1 - Offices	1,545
B2 - Industrial	911
B8 - Distribution Warehousing	656
Proposed Waste Plant (Maximum Daily Trips)	216

It is immediately evident from the above table that the proposed waste treatment plant would generate significantly fewer vehicle movements than would any of the legitimate alternative uses for this site, either on the basis of a single "B" class use or a mix of "B" class uses.

The proposed waste treatment plant would generate in the worst case a maximum of 160 HGV trips per day. This would constitute some 74% of total trips. Further interrogation of the TRICS database indicates that industrial sites can generate some 30% HGV's, while distribution warehousing sites can generate between 50 and 80% HGV's.

Based on the figures given in the above table, which reflect the same floorspace as proposed for the waste plant, a B2 industrial use could generate up to some 300 HGV trips per day while a B8 distribution warehouse use could generate between 325 and 525 HGV's.

It is standard practice to multiply by a factor of 2.5 trips made by HGV's of the size proposed to be used by the applicants in order to reflect their equivalent number of car trips. This would result in some 400 "car equivalent" trips to service the proposed waste plant, plus 56 staff trips, giving a total "car equivalent" number of trips of 456. This number is well below the figure noted above for B1 office use.

In light of the above assessment, it is concluded that the trip generation of the proposed waste treatment plant falls below that which could be expected from a site of this size, were it to be put to an alternative, legitimate "B" class land use.

As a result of the proposals, it is expected that traffic flows would typically rise by around 25% on Stoney Street, 10% on the B4352 east of the Comet Inn junction less than 3.5% on A465 at its junction with B4349 and even less in percentage terms on Belmont road. It should be noted that traffic flows on Stoney Street are currently very low, which does serve to magnify the increase in traffic due to Estech when considered on a percentage basis.

Regarding the wider road network, beyond the B4349 junction with the A465, information has been submitted by the applicants setting out the current routing of waste trips and the routing of trips that would result, post-development. These are summarised as follows:

- Greyfriars Bridge – no change in flows of waste vehicles.
- Belmont Road - there would be a net increase in trips on Belmont Road.

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- Countywide road network - currently, there are some 2.576 million tonne miles of waste trips generated by Herefordshire waste disposal. Post-development, at current levels this would almost halve, to 1.358 million tonne miles.

Road Safety

The applicants have obtained data from Herefordshire Council for the most recent five-year period regarding personal injury accidents for the local road network and these are set out in full within the TA. The data reveals the following:

- There have been no injury accidents on Stoney Street;
- There have been three injury accidents at the Comet Inn junction, none of which involved HGV's; and
- There have been 5.4 injury accidents per annum between the Comet Inn junction and the A465 junction, none of which involved HGV's.

It should be noted that as part the programme of accident remedial measures Herefordshire Council has within the last 18 months carried out improvements at Comet crossroads and at "MacIntyres bend" on B4349. In addition a speed limit has been introduced, along with a speed camera. These should all serve to improve the safety of the route intended to be used in connection with this application.

Mitigation

The Transportation Manager notes that:

Stoney Street between the site and the junction with the B4352 is typically some 6.0m wide. However, there is a pinch point on Stoney Street, which constitutes a section of road that is some 4.0m wide over a distance of some 100m, rendering it too narrow for two HGV's, or a car and an HGV, to pass. The applicants have indicated a willingness to fund any reasonable improvement at this location. Officers advice is that this is necessary and that details would be finalised within a s.278 agreement.

In addition to this specific improvement, the applicants have indicated a willingness to make a contribution to the costs of maintenance on the County road sections of the agreed routes for site traffic. Again Officers consider this necessary.

- 6.33 The Highways Agency initially expressed concern at the potential impact of the proposal on the trunk road system, but do not comment or require further action.
- 6.34 The Head of Engineering and Transportation's conclusions regarding these effects are that there are no grounds for objection to the proposals on traffic and highways matters.

However, the following conditions are recommended:

- H13 - Access, turning area and parking;
- H17 – Improvements to the pinch point on Stoney Street to ensure safe flow of traffic;
- H21 - Wheel washing;
- H27 - Parking for site operatives; and
- H29 - Secure cycle parking provision.

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Members should be aware that if permission were to be given and if the operators were to treat the County's waste the Council could impose routing agreements through its integrated Waste Management Contract.

Other Grounds for Concern Raised by Objectors

These include many references to the potentially adverse effects from pollution, emissions and from the unknown potential environmental effects arising from the use of new technology, on local people, schools, farms and animals. Some of these concerns are simply mistaken misinterpretations of the proposal as some kind of incinerator. In general, however, these concerns are material, as described above, under the heading Safety, there is no evidence that they are well founded and in themselves cannot be given much weight. There is no suggestion from the statutory consultees that these issues are particularly significant.

Concerns have also been expressed about the potential effects of the proposal on tourism and the local economy, again although material there does not seem to be any evidence to support these concerns and they cannot be given much weight.

Some objections, e.g. regarding site security or the possible attraction of vermin and creation of litter are based on more reasonable grounds but are matters which could be addressed both by condition, if Members wished, and would also be part of any normal Waste Management Licence/Permit.

6.35 Cumulative Effects

Structure Plan policy specifically refers to the potential significance of the cumulative effects and it would be possible in principle to justify refusal on the grounds that although no individual consideration was sufficient, the cumulative adverse effects of an application were sufficient to do so. Officers do not consider that, subject to the imposition of conditions, that the cumulative adverse effects of this proposal are sufficient to justify such a decision.

6.36 Summary

To summarise the above, officers consider that the proposal would have some adverse effects, notably on a protected species (Great Crested Newt) and its habitat, on the amenities of local people and on highway safety and the local highway network, could have potentially adverse effects on ground and surface waters, foul drainage, and could be improved in its design and appearance. Local objections to the proposal are very numerous and raise material considerations. Local concerns about the safety of the proposal and the wisdom of permitting an unproven operation should be noted. Officers' advice is that none of these effects and considerations are such that they would justify the refusal of planning permission individually or collectively or in accordance with the precautionary principle. They consider that the issues raised could be controlled satisfactorily through the imposition of conditions and that other significant controls also exist which are the responsibility of other regulatory bodies. They also consider that there are sufficient precedents and that it would be in accordance with the emerging UDP to grant permission for a use of this kind on the application site. On this basis it is therefore possible to state that the application should be granted permission subject to conditions. It is, however, necessary to

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emphasise that Members should only do so if they consider the proposal was the BPEO.

BPEO

Members' attention is drawn to the explanation in paras 6.5 to 6.9 inclusive above where what this concept means and how important it is, is set out.

- 6.37 The Council has undertaken a joint BPEO assessment for the Municipal Solid Waste (and other waste) Streams (to 2016) with Worcestershire County Council and has endorsed options for each of these. The BPEO for Herefordshire's Municipal Solid Waste is to achieve a combined recycling and composting target of 33% and landfill 22%, with the balance (45%) being managed through a form of thermal treatment, and for each county to have local treatment facilities.
- 6.38 The Council also agreed that it will be important to retain an element of flexibility when considering applications for waste management facilities, but that processes or technologies put forward as an alternative to those which comprise the BPEO for a particular waste stream will have to clearly demonstrate that the impact of that process or technology will be the same or perform better than those which have been modelled for the agreed BPEO.
- 6.39 Fundamental issues regarding this proposal are therefore:
- Whether it is as good or better than the adopted BPEO for the County's Solid Municipal Waste Stream and
 - Whether the specific proposal is the BPEO for this stream at this time

There is guidance on making a BPEO assessment in Waste Strategy 2000 – but no set approach – in essence however the approach should be comprehensive, flexible, iterative and transparent and should take account of local environmental social and economic references. At the strategic level the Council closely followed the guidance in Waste Strategy 2000. In considering this application, Officers emphasise more local factors.

6.40 New technology

An important issue must be the fact that the proposal is of a relatively new kind and that this plant appears to be the first of its kind at this scale. Objectors have drawn particular attention to the potential problems of using relatively new technology. The applicants state that the technology was initially developed in the USA in the mid-1990s, and has since been further developed in the UK. Initially a "proof of concept" plant was transported from the USA and rebuilt at Sheffield. Estech Europe state that they were not party to this plant but that it was operated in accordance with a planning permission and given a Waste Management Licence by the Environment Agency. The plant has ceased operation and been returned to the USA.

A small scale commercial plant (40,000 tonnes p.a.) has been installed at Thygeston Landfill Site at Bridgend. The applicants state that:

"The process operates, but generally only on a demonstration basis. The two autoclaves break down the elements of waste in a similar way to Estech's demonstration plant. The post-processing equipment however is not the same as the

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Estech process and does not appear to achieve the same quality of separation between the products.”

Officers have discussed the operation of these plants with the responsible sections of the Environment Agency. They have been informed that they were granted and operated in accordance with Waste Management Licences and that there were no significant issues or problems in that respect.

- 6.41 It is at least reasonable to argue therefore that some evidence that the process works does exist. The comments from DEFRA are particularly pertinent in this regard in confirming that the recovery rates claimed are reasonable. It is also significant that other plants comparable to the proposal have been licensed by the Environment Agency. The Agency have not informed Officers that they perceive any particular licensing issues to be a problem, although at the time of writing the kind of licence or permit that would be necessary has not been resolved. It is not the function of the planning system to frustrate innovation. Again, DEFRA's comments that “for our part in Waste Strategy we are pleased to hear of local authorities actively considering new technologies such as autoclaving” is important. Officers have no evidence that the proposal would not work or be refused a Waste Management Licence, to the extent that it should be refused permission. A demonstration plant has been operated on site and observed by the Council's and Environment Agency staff. Officers consider therefore that it could not be argued that the concept is so innovative that it could never be the BPEO, or that uncertainties about it were so material that it should be refused permission on the ground that its novelty and inherent uncertainty were overwhelmingly significant. Objectors have widely circulated a “Report on Waste Processing Technology and the Oneida-Herkiner Solid Waste Authority Request for Proposals.” (December 2003). Officers have established that the Oneida-Herkiner Solid Waste Authority is “a public benefit corporation, a governmental body established to manage (a) region's waste The report was written for (a) Board of Directors, area elected officials, RFP (Request for Proposal) respondents and the general public. (Its) purpose was to discuss (their) evaluations and make conclusions on the waste processing technology proposals put forward (by 3 respondents) as well as (to) outline past and future Authority policy and evaluations of waste processing technologies.” The Authority is based in Utila, New York. Summarised, the report assesses 3 possible proposals to treat 50,000 tonnes of waste as an alternative to landfilling. None of the 3 proposals was adopted. One of the proposals was by Estech Rome LLC and was for an autoclave process which would have created a fuel for power generation.

The applicants have issued a statement that:

- 6.42 “USA Authority RFP (Request for Proposals)

1. Company Synergy: Estech Europe Ltd. (a recycling based company) has no direct relationship with Estech Rome LLC (an energy based company) other than both are independent licensees of the original technology owned by the Slane Company. The trade name Fibrecycle™ used to identify the process is common in name only. Since the licence was granted Estech Europe Ltd. has significantly developed the original technology and taken the Fibrecycle™ process to an advanced proven stage of effectiveness and completeness for the purpose of recycling up to 80% of municipal solid waste. The USA Company is developing the technology for a completely different market, predominantly the recovery of energy from materials market.

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The Estech Europe Ltd. Fibrecycle™ Recycling Process has been approved as BAT (Best Available Techniques) for all of Belgium, including Brussels.

2. Basis of the Report: RFP (Request for Proposals) – the report is the result of a ‘scatter gun’ approach in an attempt to identify alternative solutions and new technologies for reducing landfill in NY (New York). The report states “It is important to note that the RFP was advertised locally (NY) and nationally (USA) twice but only three respondents came forward with proposals.” This was not a planning proposal or tender request for a fully operational plant; it was a speculative venture in an attempt to establish what ‘new’ technology was available – no economically viable outcome could be predicted for the respondents. For this reason, it is quite possible that all three companies, once fully aware of the requirements of the Herkimer County, declined to submit further information beyond some initial presentations.”

Officers’ advice is that although Members should be aware of the objector’s representation and that the American authority chose not to proceed for their own reasons but that beyond this the report has little bearing in terms of the determination of this planning application and should not be given much weight.

- 6.43 The applicants state that their “Fibrecycle technology has recently been approved under BAT (Best Available Techniques) in Belgium. This accreditation was commissioned by Estech Europe as part of the development of our process in Belgium. We are presently working with Biffa Belgium as their nominated technology supplier for the Brabant (Incovo) waste management project. Biffa Belgium has been appointed the local authority’s Preferred Partner for this large waste management contract.

In Belgium, any process that is to be used for the treatment of waste must first have BAT approval. This approval, once given, allows the technology to be used for the treatment of waste at any site in Belgium subject to planning permissions and permitting. The Belgium authorities will not issue permits for the operation of a waste treatment facility if that facility has not been approved as BAT.

To gain accreditation as BAT, the technology in question must undergo a vigorous examination by a body approved by the Belgium authorities. There is one main body in Belgium which has the ability and approval to carry out these examinations. This acknowledged approval body is known as VITO and it has carried out a study on our technology and submitted its report to a government body known as OVAM. The study was reviewed by OVAM and it has been agreed that our Fibrecycle technology conforms to BAT.”

- 6.44 This is a material consideration. Its significance is that Belgium is a member of the EU and it can be assumed therefore that the technology is considered to conform to EU Directives on Waste by the Belgian authorities. Their decisions are not binding on the Council but should be noted and indicate that in contrast to the American example, some reputable organisations do not consider new technology in principle, or this one in particular, unacceptable in terms of EU legislation.

On the assumption therefore that it is at least eligible for consideration, the proposal needs to be further assessed.

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6.45 Could the proposal be BPEO?

Officers are developing guidance for assessing BPEO, but in the absence of a final, agreed methodology, have assessed the application against the following questions. Their aim in doing so and the prime consideration for Members, is to establish whether the proposal provides the most benefits or least damage to the environment as a whole, at acceptable cost in the long and short term, taking into account what is affordable and practicable, the Waste Hierarchy, Proximity Principle and Regional Self Sufficiency. If it does so it can be considered the Best Practicable Environmental Option and can be granted planning permission.

6.46 - How does the proposal contribute to the Strategy, i.e. does the BPEO strategy require additional capacity? - Yes.

6.47 - Does the existing capacity meet the strategy requirements? - No.

The current position regarding waste treatment in the two Counties is unsatisfactory. The Council is landfilling far too high a proportion of its waste and is not achieving its own or government targets for recycling/recovery. The Integrated Waste Management Contract and adopted BPEO both identify that new arrangements and facilities for the treatment of municipal waste are needed.

6.48 - What is the capacity of the proposed plant? - 100,000 tonnes, this would be adequate for the preferred Option.

6.49 - Does the proposal provide a sensible contribution to the overall need? - Yes.

It would cover the County's entire MSW output and allow for a reasonable amount of growth over the next 20 odd years.

6.50 - Location and the Proximity Principle: Is there an existing facility in the vicinity? - No.

6.51 - Where would the proposal receive waste from? – This is also dealt with under the heading "Transportation issues", but in summary the proposal would receive most of its waste from within the County, and if permission were granted conditions could be imposed to control this.

Municipal Waste arisings within the county are likely to grow to 100,000 tonnes per annum over the period of the Council's Integrated Waste Management Contract and officers believe it is sensible to develop facilities which could cater for this.

At present the Council's Household MSW arisings are about 61,000 tonnes per annum (plus a 2,000 tonnes per annum from Tenbury). The applicants anticipate eventually transporting up to 20,000 tonnes per annum of treated Waste to Lower Moor (Worcestershire) and argue that whilst there is such a shortfall in treatment facilities in the region that it would be sensible to carry the same volume in return loads for processing at Madley – whilst the site has capacity, rather than return empty. It is possible that about 7,500 tonnes (rising over time) of waste from Herefordshire's "Bring" sites could also be processed at Madley (subject to improved on site separation). The net total of "Herefordshire" Waste processed at the site at the outset could therefore be about 68,500

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tonnes. In order to run the plant at capacity (100,000 tonnes) they need therefore to import about 40,000 tonnes of waste per annum until the supply from the Herefordshire "Bring" sites is established. This would reduce to about 33,000 tonnes per annum if the "Bring" sites material is used. As Herefordshire's own waste increased this importation would need to progressively reduce. Not to allow this waste to be processed, whilst Worcestershire does not have adequate facilities of its own, would mean that this waste would probably be landfilled at Lower Moor. This would be undesirable itself and because valuable landfill space on which Herefordshire itself depends would be unnecessarily used up.

Officers accept these arguments and believe that it is in accordance with the general principles of Regional Self-Sufficiency and the Proximity Principle to allow these imports. They consider it essential however that if permission were to be granted those principles require that conditions should be imposed to limit imports of waste to a maximum of 40,000 tonnes at commencement, reducing to 20,000 tonnes after 10 years and that such waste should only come from Worcestershire.

- 6.52 - Is there an appropriate area having regard to the final disposal of residual materials? - This is dealt with in more detail under the heading "What is the end product?" but in summary some of the product could be dealt with locally, some could be landfilled at Lower Moor, as most of the County's waste is currently. There is no suggestion that products need to be dealt with in any specific or distant a location which would so influence the decision as to justify the refusal of planning permission at this site.
- 6.53 - How would the facility contribute to the Strategy? i.e. what does it propose to take? - All of the County's Municipal Solid Waste, with a supplement from outside, possibly Worcestershire, to ensure full plant operating capacity is achieved.
- 6.54 - What is the recovery rate? - The applicants' proposals that recovery is as good as the BPEO for this waste stream is considered reasonable by DEFRA.
- 6.55 - What is the end product and is there a possible market for it? - The applicants state that these are:
- "a) Ferrous and non-ferrous metals. The metals market is already well-established and the company will sell the material into this market. As there is continuous demand for metal, there is no requirement to enter contracts with any users of these materials. It is likely that ferrous metals will be supplied to businesses in the Hereford area, while non-ferrous metals will be taken further afield as more specialist plants are required, e.g. in South Wales.
 - b) Plastics. Like the metals market, the market for plastics is also well-established and this applies to specific types of plastics and mixed plastics. Our process currently produces a mixed plastic with no further separation. We will continually monitor prices for individual types of separated plastics and, should it prove commercially worthwhile, will consider installing additional equipment to separate the mixed plastics. However, to provide more detail, we have the opportunity to supply two companies with our mixed plastics. The main opportunity is with a company based in Dorset

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who can use the materials to manufacture “timber-like” products including decking, joists, boarding and many other product that can be utilised in the building industry.

- c) Fibre. There are an number of markets for the fibre. This provides the advantage that we are not subject to the vagaries of one particular outlet. These include using the fibre in the building products sector, composting, or as a biomass fuel source possible through anaerobic digestion. The fibre may be used as a composting base material. Tests have already been undertaken that show the fibre to comply with the standards set by the Composting Association. The only area where improvements are required to fully meet the standards is in relation to small amounts of contras (glass and plastics). The only reason for this is that the air-classifier in the demonstration plant is less than 1 metre long which does not allow these contras to be adequately separated and removed. The air-classifier on a commercial plant will be 5 metres long and will allow the contras to fall out of suspension first, thus ensuring that the fibre will then comply fully to the standard. Subsequent anaerobic digestion, if undertaken, would enhance the product still further.

The compost market is large but is dependant upon the quality of product produced and, in the case of the DIY market, public perception. Compost can be sold into the following markets (in order of value):-

- DIY market
- Horticultural market
- Agricultural market

As Herefordshire is a largely rural county, the fibre, as a compost or soil additive, could be readily disposed of within the horticultural and agricultural markets.

However, the preferred market for the fibre will be in building products. There are opportunities for it to be used in fibreboard, the market for which is considerable (50 million m³ per annum or 30 million tonnes per annum are produce throughout Europe). Estech are in negotiations to supply a major European producer of fibreboard with fibre.

In addition, the company is working closely with Ecobond, the manufacturers of a non-carcinogenic resin to utilise the fibre in the making of tiles, bricks, slabs, kerbstones and other building products. Samples have already been manufactured and shown at our mobile plant demonstrations and the proposed markets are substantial. As a safe ‘fallback’ or ‘base’ position, the company has secured a contract with a major coal factor who wish to use the fibre as a biomass fuel to be co-combusted with coal. The volumes required for this market are very substantial. For this purpose the fibre could go to any number of coal fired power stations as near to Hereford as possible.....I would re-emphasise that this is only intended as a short-term solution whilst we establish the fibre into the recycling markets”

Members must be aware that it is not the role of the planning system to fetter the market economy. Even if a specific end user were proposed by the applicants it would not be reasonable to condition this, insist that specific contracts are entered into or to maintain contracts by condition.

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Officers advice is that the range of uses proposed has the potential to offer great and valuable flexibility. In a BPEO sense this is important in the long term. The idea of practicability has to be borne in mind and the proposed end products and possible uses seem practicable.

Members should also be aware that the Council can use its Integrated Waste Management contract to impose further controls on the end use and will be advised by DEFRA in this regard.

- 6.56 - Is there significant diversion from landfill? - Yes, equal to the BPEO for this waste stream, and if permission were to be granted the degree of diversion from landfill could be ensured through the Council's Integrated Waste Management Contract.
- 6.57 - Is there another comparable plant? - Nothing currently operational on this scale anywhere.
- 6.58 - What are the environmental effects? - Members should note that the assessment of environmental effects in determining the BPEO for a specific proposal is not the same as that required for an Environment Statement or, in the way that these matter are usually assessed, for a planning application. Here an important issue is that there appear to be significant differences between the environmental impacts from what is proposed and those technologies examined in the BPEO study for the Municipal Solid Waste stream. The study identifies thermal treatment as a preferred option, e.g. incineration. Some of these technologies are established. It would be fair to point out that in general forms of incineration have not proved popular and are widely viewed as polluting (albeit to an extent that would be regulated to an acceptable degree). It is possible that other innovative technologies may be developed which may be both environmentally "better" and more popular. The proposal claims to produce minimal harmful emissions to air and water and to provide appropriately treated waste. It is for the Environment Agency and Health and Safety Executive to regulate waste treatment facilities but neither has suggested that the proposal would be "worse" environmentally than the "thermal treatment" proposed in the BPEO for the waste stream.

- 6.59 The applicant has submitted the evaluation of the methodology undertaken for VITO, the Belgian Best Available Technique accreditation body. The report submitted to the Belgian government on behalf of Estech basically compares/evaluates as a reference point a basic thermal process for waste incineration ("grate furnace with selective non catalytic reduction of NOx") with two versions of the 'fibrecycle' process (as proposed at Madley), namely:

A fibrecycle plant that recycles its fibres after the autoclaving process (i.e. fibres taken off site and reused in the manufacture of building materials etc)

A fibrecycle plant that incinerates its fibres after the autoclaving process (i.e. fibres transported off site and used as biomass fuel to be co incinerated at a biomass or coal fired power station elsewhere.

The report acknowledges that theoretical variables for the fibrecycle processes had to be used for comparison, in the absence of real data. There will therefore be some uncertainty over their conclusions.

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The report compares the different techniques using the following headings, which are summarised, interpreted and commented on:

Environment

General Environment Issues

A fibrecycle plant that recycles its fibres after the autoclaving process scores favourably against the reference thermal incinerator as it does not destroy the recyclables. It also uses the residual fibres in building products, soil conditioners etc.

A fibrecycle plant that incinerates its fibres after the autoclaving process scores the same as the reference thermal incinerator, although the report states that it will be more environmental than incineration, on the basis that the fibrecycle process still recycles much of the waste and then uses the fibres for incineration for electricity generation.

Carcinogenic Substances

As far as damage to human health by carcinogenic substances is concerned, the report finds that both the fibrecycle processes are slightly below the impact of traditional thermal incineration, (presumably because the fibre recycling version involves no combustion process). The fibrecycle process that incinerates its fibres has slightly higher releases of carcinogenic emissions than the recycling version and officers assume that this is due to emissions from a power station elsewhere receiving the exported fibres.

Respiratory Effects

As far as damage to human health by respiratory effects is concerned, the report finds that the fibrecycle processes will impact slightly higher than traditional thermal incineration, due to NO_x (nitrous oxides) from the burning of natural gas within the steam raising boilers. Odours and dust is not mentioned.

Climate Change

Indirect damage to human health caused by climate change has also been mentioned in the report. This finds that the fibrecycle recycling scenario compares very favourably to thermal incineration, as thermal processing (and therefore CO₂) is much reduced. However, the fibrecycle version that combusts fibres off-site fares slightly worse, as more energy used will be needed, which will lead to CO₂ being released from gas fired boilers.

Damage to Ecosystem Caused by Acidification / Eutrophication

This section relates to the release of acid rain forming gases from combustion (i.e. NO_x, HCL and SO₂) and high pH air pollutants (e.g. ammonia) that would lead to alkali precipitation, which could result in eutrophication in lakes and rivers etc.

The report finds that the negative impact of acidification and eutrophication is much less for the recycling fibrecycle scenario, although the impact is higher if fibres are

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used as biofuel, due to NO_x (nitrous oxides) from the burning of natural gas within the steam raising boilers.

Ecotoxicity

The report considers that the likely cause of this would be from heavy metal release from incineration. It finds that the damage to the ecosystem will be much reduced for both fibrecycle types, when compared to the reference thermal incineration technique.

Exhaustion of Fossil Fuels and Other Resources

The report states that the use of gas and externally generated electricity using fossil fuels is the most important feature here. Both fibrecycle techniques fare worse against the reference thermal incineration example, due to the amount of natural gas needed to fire the two boilers.

Minerals

The use of minerals for all types of plant is negligible (other than for the construction phase) and need not be considered further.

Energy

A fibrecycle plant that recycles its fibres after the autoclaving process scores less than the reference thermal incinerator because there will be no electricity generation.

A fibrecycle plant that incinerates its fibres after the autoclaving process scores about the same, as the fibres can be used to generate power, although the power generation is predicted to be approximately 9% lower than thermal incineration.

Material Recovery

A fibrecycle plant that recycles its fibres after the autoclaving process compares favourably with the reference thermal incinerator process because of the obvious benefits of recycled waste and re-use of fibres in building materials etc as opposed to destruction of waste to residue ash.

A fibrecycle plant that incinerates its fibres after the autoclaving process scores about the same as the reference thermal incinerator process, although it seems there would be slightly more levels of waste / final residue ash.

Process Management

Both versions of the fibrecycle plant score slightly less than the reference thermal incinerator process for 'process controls', although the report implies that the process and its procedures will be relatively simple. They both compare favourably for 'greater flexibility' although the reasons for this are not really expanded upon.

Costs

Both versions of the fibrecycle plant compare favourably to the reference thermal incinerator process in cost. The fibrecycle plant that recycles its fibres is estimated as

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being 11% cheaper and the fibrecycle plant that incinerates its fibres as bio fuel is estimated to be 5% cheaper.

- 6.60 The Council's Senior Environmental Health Officer's comments that "Having regard to the above summary and its interpretation it is clear that the fibrecycle scenarios are very different to thermal incineration.

To highlight the main differences, the attached appendix summarises the differences between the reference incinerator mentioned in the main text of my memorandum, against a fibrecycle plant recycling its fibres and a fibrecycle plant exporting them off-site for biofuel combustion outside Herefordshire.

The appendix shows that both fibrecycle scenarios fare favourably to thermal incineration. It should however be remembered that this comparison is with the more basic thermal incineration design.

It is quite probable that to meet the requirements of the new EU 'waste incineration directive' (WID) and the subsequent tightening of pollution control under the IPPC regime, a thermal incineration alternative at Madley would be to a higher specification, i.e. with selective catalytic reduction of NOx. To contrast this higher spec incinerator against the two fibrecycle options, I have also included this in the attached appendix. Here it can be seen that the 'favourable' margin is not quite so great, particularly for off-site incineration of the fibres, if a market cannot be found for their alternative use."

Officers advice is that the 'higher specification' incineration methods are not yet mandatory and that a more basic thermal treatment is still possible. However in general it is clear that the use of the treated waste for off site combustion would not be in the long term best interests of the environment. The applicant states that the use of the fibre as a fuel is only intended as a short term solution whilst they establish the fibre into the recycling markets. The Council could use its Integrated Waste Management Contract to control the end use to ensure that any off site incineration was only in the short term. DEFRA have an important role in this respect and could refuse to accept end uses as meeting recycling targets if they were not acceptable environmentally or in the wider interests of sustainability. Officers advice is therefore that the least environmentally 'friendly' option, the long term off site combustion of the treated waste, can be prevented. Apart from one scenario therefore (the long term use of the treated fibre for incineration, given that such a scenario could be prevented, elsewhere) the proposal should be more favourable environmentally than other thermal treatments.

It is reasonable therefore for this Council to accept that the technology proposed would perform at least as well or better than those modelled for the agreed BPEO strategy.

- 6.61 Location

Aside from the question of whether the technology is acceptable, Members also need to consider whether the location of the site is BPEO. The Development Plan does not specifically identify sites for this kind of proposal. The Deposit Draft UDP sets out the criteria to be used when considering new waste management facilities and the proposal would comply with these. The applicants have undertaken their own assessment of 10 sites. They conclude that the Madley site is the best. Objectors have questioned both the methodology and its application. Officer's advice is that any

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scoring system is subjective and it must be an important factor that there are no grounds within the existing Development Plans or emerging UDP to state that Madley could not be the best location. However, although they consider that the objectors' criticisms of the submitted Siting Study have some validity they do not agree that other sites are shown to be better. Objectors have particularly focussed on the idea that better sites might exist at Moreton Camp and Rotherwas. The applicants have submitted a letter in response, stating that:

"The Environmental Statement acknowledges that Moreton-on-Lugg enjoys better access than the application site and that Rotherwas Industrial Estate enjoys marginally better access than the application site. However, these two sites had other constraints which led to the application site being most suitable overall. In relation to one issue both the Rotherwas Industrial Estate and Moreton-on-Lugg have particular constraints, namely the floodplain.

Following comment made by a number of objectors regarding floodplain issues, we asked the Environment Agency to provide more detail in relation to these two sites.....they have confirmed that both the locations lie within the Indicative Floodplain. In addition they state that "any site which is located in or within close proximity to the floodplain is considered at high risk of flooding"

This was one of the main reasons why these sites were not considered to be as suitable as Stoney Street. Officers can confirm that this is the Environment Agency's advice for these sites. Members may also be aware that the access into the Moreton Camp site is currently considered inadequate by the Highways Agency and these are reasons why officers would not score these sites as high as either the applicants or objectors do. Officers' advice is therefore that it could not be argued that there are grounds for asserting that any other site in the County is a better practicable option for this proposal than the application site.

6.62 Conclusion

In conclusion, the Council's BPEO Strategy identifies a preferred option for MSW that achieves sufficient recycling/composting/thermal treatment to reduce disposal to landfill to 22%; with all due acknowledgement to the uncertainty relating, to any new proposal, the application could reasonably be assumed to achieve this. As such it scores high in terms of the Waste Hierarchy. That the range of potential uses is wide is very important, allows for considerable flexibility if circumstances or markets change and makes the proposal inherently 'better' than any method of waste treatment which only serve more limited markets.

The proposal would achieve Regional (i.e. County) Self-Sufficiency for this waste stream. Achieving that self-sufficiency would require supplements of material until the full plant capacity is reached. That could be achieved in accordance with the Proximity Principle.

The Proximity Principle requires that waste should ideally be disposed of as close to its point of origin. The proposal is close to Hereford, the largest single source of the County's waste. It can realistically be supplemented until full plant capacity is achieved in a way which takes waste from other close sources (Tenbury and by return loads from Lower Moor). It could do so – with only a small and declining fraction (reduced to nothing in 10 years) needed from "other" sources. That such sources could themselves be close (e.g. Malvern) is also in accordance with the principle.

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The proposal is generally environmentally acceptable in Planning terms and, on the information available, can reasonably be expected to be at least as good in overall sustainability terms, (apart from energy recovery in scenarios where fibre is incinerated off site in the long term) and better in some, than other available technologies.

The proposal is innovative and this must introduce an element of reservation but neither the HSE, Environment Agency, DEFRA or another EU country consider this necessarily makes it ineligible to be the Best Practicable Option. In Waste Hierarchy terms its innovative qualities give it flexibility in recycling/recovery terms which is very desirable.

A very wide range of other site options exist in theory but there are no 'better' sites in the Development Plan or emerging UDP which could so readily be developed. Although other technologies exist the proposal appears to be better in terms of environmental impact than thermal treatment and no better has been proposed.

The Council is failing to meet the targets set for waste treatment by government and it could not be argued that a better option is realistically available. Members can rely on the other regulatory bodies (e.g. the Environment Agency and HSE) to perform their duties properly and if permission were to be given the Council could exercise further controls through the Integrated Waste Management Contract.

In consequence, Officers consider that this proposal is the BPEO and that accordingly planning permission should be granted.

Human Rights Act 1998

The terms of the Human Rights Act have been considered in relation to this application and it is considered that no such rights would be breached.

In view of the existing restriction in the South Herefordshire Local Plan limiting development on the Madley Industrial Estate to B1 and B8 development, Officers have decided that the application should be treated as a 'departure', i.e. that it does not accord with the provisions of the Development Plan in force. The application was re-advertised accordingly on 11th March and therefore cannot be determined until a 21 day consultation period has expired on 1st April, 2004 and any responses have been duly considered.

RECOMMENDATION

That subject to no further objections raising additional material planning considerations by the end of the consultation period, the officers named in the Scheme of Delegation to Officers be authorised to approve the application subject to the following conditions and any further conditions considered necessary by officers.

1. A01 (Time limit for commencement (full permission))

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. No development shall take place unless and until a Great Crested Newt survey and appraisal has been undertaken and approved by the local planning authority

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in writing. The survey shall only be undertaken by an appropriately qualified ecologist and only between the dates of 14th March and 14th June and the submitted appraisal shall propose either:

- a) that, if no Great Crested Newts are found, that appropriate mitigation features shall be constructed on site before any development takes place, or
- b) that if Great Crested Newts are found that no development shall take place until an appropriate mitigation scheme has been approved by the local planning authority in accordance with a DEFRA licence.

Reason: In order to protect the nature conservation interest of the site, with particular reference to ensuring the protection of Great Crested Newts and their habitat.

3. No development, site clearance, or demolition shall be undertaken until:
 - a) a desk top study has been submitted for the approval of the local planning authority. the submitted study shall include:
 - i) the identification of previous site uses,
 - ii) potential contaminants arising from those uses
 - iii) related issues which might affect or arise from the proposal and
 - iv) a conceptual model in accordance with best practice, of all potential contaminant sources, pathways and receptors, and
 - b) a site investigation has been submitted to and approved in writing by the local planning authority prior to that investigation being carried out on the site using the information obtained from the approved desk top study and conceptual model. The submitted investigation scheme shall include a risk assessment to be undertaken relating to:
 - i) the receptors associated with the proposed new use
 - ii) those uses that will be retained
 - iii) other receptors on and off the site that may be affected
 - iv) proposals for the refinement of the conceptual model, to take account of the risk identified and
 - v) a Method Statement detailing the remediation necessary to enable the proposal to be undertaken without unacceptable risk to the environment and human health, and
 - c) the site investigation and risk assessment have been undertaken and reported in accordance with details approved by the local planning authority. Future monitoring proposals and the method of reporting shall also be detailed in the report. Thereafter the remediation shall be carried out in full, in accordance with the approved method statement and risk assessment, and
 - d) a completion report verifying that the work has been undertaken in accordance with the method statement shall be provided to the local planning authority for approval.

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Only when the local planning authority has confirmed in writing that all of the elements of the above have been completed and a monitoring scheme is in place shall development, site clearance or demolition take place.

Reason: To ensure that potential sources of contamination are identified and methods established to ensure that the site is fit for the approved use, in order to prevent pollution, particularly of the water environment.

4. No development shall take place until proposals for the location and construction of the areas and means of:
- a) waste acceptance into the site
 - b) waste storage
 - c) waste processing
 - d) waste water storage
 - e) waste water disposal and
 - f) storage of treated waste and
 - g) a report specifying the levels of all pollutants (including dust and odour) within the steam/emissions from the autoclaves and process building and the predicted emission level of these from the discharge point to atmosphere.

have been submitted to and agreed in writing by the local planning authority.

Reason: To prevent pollution of the environment and in the interests of the amenity of local people and businesses.

5. F20 (Scheme of surface water drainage)

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

6. F21 (Scheme of surface water regulation)

Reason: To prevent the increased risk of flooding.

7. D01 (Site investigation – archaeology)

Reason: To ensure the archaeological interest of the site is recorded.

8. A04 (Approval of reserved matters)

Reason: To enable the local planning authority to exercise proper control over these aspects of the development.

9. A05 (Plans and particulars of reserved matters)

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

10. G13 (Landscape design proposals)

Reason: In the interests of visual amenity.

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Reason: In the interests of visual amenity.

12. G15 (Landscaping implementation)

Reason: To ensure the site is satisfactorily landscaped.

13. G27 (Landscape maintenance arrangements)

Reason: In the interests of visual and residential amenity.

14. G33 (Details of walls/fences (outline permission))

Reason: In the interests of residential and visual amenity.

15. G40 (Barn Conversion – owl box)

Reason: In order not to disturb or deter the nesting or roosting of barn owls which are a species protected by the Wildlife and Countryside Act 1981.

16. F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

17. E02 (Restriction of hours of delivery)

Reason: To safeguard the amenities of the locality and to allow the operator flexibility if necessary to cater for unforeseen events without excessive adverse effects on the locality.

18. No material shall be processed on site other than Municipal Solid Household and Commercial Waste collected by or on behalf of, or for disposal by, the County of Herefordshire District Council or Worcestershire County Council.

Reason: In order to define the permission and to ensure that the permission is operated in accordance with the principles of BEPO, Waste Hierarchy, Proximity Principle, Regional Self-Sufficiency, and to safeguard the amenities of the locality.

19. No material shall be processed on site unless and until one week's notice of the date of commencement is given in advance in writing to the local planning authority.

Reason: In order to define the date of commencement and to enable the permission to be monitored in accordance with the conditions imposed on it in the interests of nature conservation, pollution control and the amenities of local people.

20. Not more than 100,000 tonnes of waste shall be processed on site in any 12 month period.

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Reason: In order to define the permission and to ensure that the permission is operated in accordance with the principles of BEPO, Waste Hierarchy, Proximity Principle, Regional Self-Sufficiency, and to safeguard the amenities of the locality.

21. Not more than 40% of the material processed on site in any 12 month period shall ever originate from outside of the county of Herefordshire and not more than 20% of the material processed on site in any 12 month period shall originate from outside of the county of Herefordshire after 10 years of the date of commencement of processing.

Reason: In order to define the date of commencement and to enable the permission to be monitored in accordance with the conditions imposed on it in the interests of nature conservation, pollution control and the amenities of local people.

22. No treated or untreated waste shall be stored on site other than within the plant building.

Reason: To protect the appearance of the locality, the amenities of local people and to prevent pollution.

23. F42 (Restriction of open storage)

Reason: To protect the appearance of the locality.

24. The level of noise emitted from the proposed development shall not exceed 43dB $L_{Aeq, 1h}$ between 2300 to 0700, as measured at a distance of 25m from the building, in a south easterly direction in a direct line towards Dene Villa (as identified on Plan 1 attached). All measurements are to be taken in Accordance with BS 4142, 1997.

Reason: To protect the interests of residential amenity.

25. No activities from the operation or deliveries from the site shall be audible at the nearest residential property on Sundays, bank holidays or public holidays.

Reason: To protect the interests of residential amenity.

26. All doors and building openings on the eastern elevation of the building (i.e. in the direction of Kingstone) shall be kept closed during the period 2300 to 0700.

Reason: To protect the interests of residential amenity.

27. All doors to the process building shall be kept firmly closed when not in use.

Reason: To safeguard residential amenity.

28. All incoming deliveries of waste shall be sheeted over with tarpaulin when on site.

Reason: To safeguard residential amenity and adjoining businesses.

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29. Vehicles on site shall not exceed the speed of 10mph to minimise dust release from haul roads on site.

Reason: To safeguard residential amenity and adjoining businesses.

30. Haul roads on site shall be hard surfaced and maintained in good condition, to the satisfaction of the local planning authority to enable adequate cleaning and sweeping.

Reason: To safeguard residential amenity and adjoining businesses.

31. Daily road sweeping of all on-site haul roads shall be undertaken and all spillages and litter outside the building cleared as soon as is practically possible.

Reason: To safeguard residential amenity and adjoining businesses.

32. F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities.

33. The general building structure and ventilation shall be designed to contain fugitive emissions and ensure containment of steam, odorous air and dust within the building. To achieve this, the ventilation system shall be suitable and sufficient, so as to maintain negative pressure at all times when processing or when steam, odours or dust are likely to be present within the building.

Reason: To prevent pollution of the environment and in the interests of local people and businesses.

34. Prior to the discharge of process air from the building, suitable and sufficient abatement plant shall be installed to abate dust and odour (and any other pollutant identified) prior to its release to atmosphere. Details of these plant shall be submitted to Herefordshire Council to the satisfaction of the local planning authority prior to their installation.

Reason: To prevent pollution of the environment and in the interests of local people and businesses.

35. The discharge point from the odour and dust abatement plant shall be from a stack which emits at a sufficient height for adequate dispersal. An "HM1P D1" calculation showing the calculation of this stack shall be submitted to Herefordshire Council for approval, prior to its construction.

Reason: To prevent pollution of the environment and in the interests of local people and businesses.

36. H13 - Access, turning area and parking;

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

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- 37. H17 – Improvements to the pinch point on Stoney Street to ensure safe flow of traffic.

Reason: To ensure the safe and free flow of traffic on the highway.

- 38. H21 - Wheel washing.

Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety.

- 39. H27 - Parking for site operatives; and

Reason: To prevent indiscriminate parking in the interests of highway safety.

- 40. H29 - Secure cycle parking provision.

Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy.

Informative(s)

- 1. HN4 - Private apparatus within the highway;
- 2. HN5 - Works within the highway;
- 3. HN7 - Section 278 Agreement.
- 4. N15 (Reasons for the granting of planning permission)

Decision:

Notes:

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Background Papers

Submitted Environmental Statement and further submissions by the applicant.

Internal consultation replies

Comparison of thermal incineration with Fibrecycle/Estech Europe

Category	Fibrecycle (Recycling fibres)	Fibrecycle (Off site combustion of fibres)	Fibrecycle (Recycling fibres)	Fibrecycle (Off site combustion of fibres)
	V Basic (SCNR) 'reference' thermal incineration	V Basic (SCNR) 'reference' thermal incineration	V Higher spec (SCR) thermal incineration	V Higher spec (SCR) thermal incineration
General Environment Issues	+	0	0	-
Carcinogenic Substances	+	+	+	0
Respiratory Effects	+	-	0/+	-
Climate Change	+	-	+	-
Damage to Ecosystem Caused by Acidification / Eutrophication	+	-	+	-
Ecotoxicity	+	+	0	-/0
Exhaustion of Fossil Fuels and Other Resources	-	-	-	-
Minerals	0	0	0	0
Energy	-	0	-	0
Material Recovery	+	-/0	+	-/0
Process Management	-/0	-/0	-/0	-/0
Costs	0/+	0/+	0/+	0/+

Key

-	Compares less favourably
-/0	Slightly less favourable
0	Same
0/+	Slightly more favourable
+	Compares more favourably

2 DCSE2004/0064/F - PROPOSED ERECTION OF TIMBER SHED AT WOODLANDS, SYMONDS YAT WEST, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6BL

**For: Mr J E Blows, Woodlands, Symonds Yat West,
Ross-on-Wye, Herefordshire HR9 6BL**

Date Received: 8th January 2004 Ward: Kerne Bridge Grid Ref: 55986, 15947

Expiry Date: 4th March 2004

Local Member: Councillor Mrs R Lincoln

1. Site Description and Proposal

1.1 The application property comprises a detached house and garden which lies close to the southern end of the C1267 at Symonds Yat West. The house overlooks the River Wye with the garden rising steeply to the rear. It is proposed to erect a timber shed adjacent to the C1267 i.e. at the west end of the property. The shed would be about 5.3 m long and 3 m wide x 2.3 m to ridge. There would be double doors at the southern end with a single door and window in the eastern elevation.

1.2 An earlier proposal for a timber garage and new vehicular access (SE2003/1905/F) was refused permission for the following reasons:

"1. The introduction of a new access to serve the proposed development involving additional vehicles slowing down and making turning movements, together with the presence of waiting vehicles on the carriageway of the adjoining road would be contrary to the interests of highway safety.

2. The erection of the garage and the formation of a vehicular access, drive and visibility splays would be intrusive in the countryside and harm the character of this part of the Wye Valley Area of Outstanding Natural Beauty which is also defined as of Great Landscape Value in the Hereford and Worcester County Structure Plan. The proposal would conflict therefore with Policies CTC1 and CTC2 of the Hereford and Worcester County Structure Plan and C5, C8, GD1 and T3 of the South Herefordshire District Local Plan."

1.3 The proposed building was identical to the current proposal.

2. Policies

2.1 Planning Policy Guidance

PPG.7 The Countryside: Environmental Quality and Economic & Social Development

2.2 Hereford and Worcester County Structure Plan:

Policy CTC1 Development in Areas of Outstanding Natural Beauty

Policy CTC2	Development in Areas of Great Landscape Value
Policy H20	Residential Development in Open Countryside

2.3 South Herefordshire District Local Plan:

Policy C1	Development within Open Countryside
Policy C5	Development within AONB
Policy C8	Development within AGLV
Policy SH23	Extensions to Dwellings
Policy GD1	General Development Criteria

3. Planning History

3.1 SE2003/1905/F Erection of timber garage Refused 19.8.03

4. Consultation Summary

Statutory Consultations

4.1 No statutory or non statutory consultations required.

Internal Council Advice

4.2 Head of Engineering and Transportation has no objection to the grant of permission.

5. Representations

5.1 The applicant confirms that sufficient width will be allowed for a screening hedge and the base will be kept as low as possible.

5.2 Parish Council has no objection to the proposal.

5.3 One letter has been received objecting "to this rather curious application to construct a garage, without either road or vehicular access, on an area of land owned" by the objector.

The full text of these letters can be inspected at Southern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

6.1 The earlier application for a garage included the formation of a new access to the adjoining 'C' class road. Visibility at the access would have been substandard partly because of a bank running parallel with the highway. To maximise visibility at this access would have involved reducing the bank and loss of existing planting, possibly including a mature conifer. It was considered that combined with the building itself, this would harm the rural character of this area.

6.2 The omission of the vehicular access overcomes the highway grounds for refusal and would reduce the visual impact of the development. The existing hedge along the highway could with benefit be supplemented with appropriate species which would also help to screen the shed. This siting of the shed both in terms of its position on the land and its finished floor level could be carefully considered to minimise loss of

trees/shrubs and to set it as low as practicable. The materials (timber boarding for both walls and roof) are considered to be appropriate for this rural location. In view of these considerations it is concluded that there would not be significant harm to this part of the Wye Valley AONB (which is also designated as of Great Landscape Value).

- 6.3 The objections received refer to a 'garage'. The application form states that the proposal is for a timber shed and no new access is proposed. However the application has been incorrectly advertised as for the erection of a garage and the drawings still describe the building as a garage. The building is about the size of a small single garage. As the adjoining highway is a classified road planning permission would be required to form an access if in the future it was decided to use the shed as a lock-up garage. However removal of a section of hedge would not be development and a condition is recommended so that the shed cannot be used as a garage.
- 6.4 The ownership of the land is disputed. The submitted application included a Certificate A certifying that the applicant was the owner of the land. Determination of an application is not dependent upon the applicant being the owner of the land. Planning permission is not solely for the benefit of the applicant but runs with the land. Furthermore the grant of planning permission does not supersede property rights. Any uncertainty regarding ownership in this case is not therefore grounds to refuse permission.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1 A01 (Time limit for commencement (full permission))

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2 B01 (Samples of external materials)

Reason: To ensure that the materials harmonise with the surroundings.

3 Notwithstanding the submitted drawings no development shall take place until a plan to a scale not less than 1:200 showing the position of the shed on the plot and existing trees, shrubs and hedgerow has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved plans.

Reasons: To define the terms of the permission and to protect the visual amenities of the area.

4 F48 (Details of slab levels)

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.

5 G04 (Landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

6 G05 (Implementation of landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

7 The shed hereby permitted shall not be used for the garaging of vehicles.

Reason: In the interests of highway safety.

Informative:

1 N15 - Reason(s) for the Grant of planning permission.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

3 DCSE2004/0220/F - PROPOSED BUILDING FOR THE STORAGE AND REPAIRS OF AGRICULTURAL, HORTICULTURAL, AUTOMOTIVE AND PLANT MACHINERY AT THORNY ORCHARD, PART OF OS PLOT 8691, COUGHTON, ROSS-ON-WYE, HEREFORDSHIRE

For: Mr S Cole per Mr C F Knock, 22 Aston Court, Aston Ingham, Ross-on-Wye, Herefordshire HR9 7LS

Date Received: 20th January 2004 Ward: Kerne Bridge Grid Ref: 59867, 20872

Expiry Date: 16th March 2004

Local Member: Councillor Mrs R Lincoln

1. Site Description and Proposal

- 1.1 This application is for a revised scheme for the erection of a building for storage and repair of automotive and plant machinery. The building would be about 36.6 m long x 10.7 m wide x 7.7 m to ridge. This compares to the earlier proposal for a building 46 m long. Siting has also been altered by moving the building further to the north-east and by lowering the finished floor level by 3.5 m. The external materials of the building would be plastisol coated steel sheeting (slate blue in colour). The proposal also involves extensive earth works, and improvements to the existing access, closure of 2 other accesses and formation of a turning area.
- 1.2 The site is triangular in shape and about 0.6 ha in area. It comprises sloping land on the south-east side of the Coughton - Howle Hill road, which has been partly terraced. Above the site is woodland. It is about halfway up the hillside which rises from the River Wye floodplain.
- 1.3 The earlier proposal (SE2003/1002/F) was considered by the Committee in October 2003 but determination of the former was deferred in order for the site to be visited. The proposal was withdrawn after the site visit but before consideration by the Committee. An accompanying application for retention of a hay barn was granted permission at the December meeting of the Committee.
- 1.4 It is understood that the use of land at Orchard House for a plant/haulage contractor's business, which is not authorised, would transfer to the new site if permission is granted and the land at Orchard House be returned to agricultural use.

2. Policies

2.1 Planning Policy Guidance

PPG.7 - The Countryside: Environmental Quality and Economic and Social Development

2.2 Hereford and Worcester County Structure Plan

Policy CTC.1	-	Areas of Outstanding Natural Beauty
Policy CTC.2	-	Areas of Great Landscape Value
Policy E.6	-	Industrial Development in Rural Areas
Policy A.3	-	Agricultural Buildings

2.3 South Herefordshire District Local Plan

Policy C.1	-	Development within Open Countryside
Policy C.2	-	Settlement Boundaries
Policy C.4	-	Areas of Outstanding Natural Beauty Landscape Protection
Policy C.5	-	Development within Areas of Outstanding Natural Beauty
Policy C.6	-	Landscape and Areas of Outstanding Natural Beauty
Policy C.8	-	Development within Area of Great Landscape Value
Policy C.9	-	Landscape Features
Policy C.11	-	Protection of Best Agricultural Land
Policy ED.5	-	Expansion of Existing Businesses
Policy ED.6	-	Employment in the Countryside
Policy ED.9	-	New Agricultural Buildings
Policy GD.1	-	General Development Criteria
Policy T.3	-	Highway Safety Requirements

2.4 Unitary Development Plan – Deposit Draft

Policy S.7	-	Natural and Historic Heritage
Policy LA.1	-	Area of Outstanding Natural Beauty
Policy LA.2	-	Landscape Character and Areas Least Resilient to Change
Policy E.6	-	Expansion of Existing Businesses
Policy E.8	-	Design Standards for Employment Sites
Policy E.11	-	Employment in the Countryside

3. Planning History

3.1	SE2003/1002/F	Building for storage and repairs of agricultural, horticultural, automotive and plant machinery	-	withdrawn	22
	SE2003/2157/F	Retention of replacement hay barn, hardstanding and terrace.	-	Permitted	5.11.03

4. Consultation SummaryStatutory Consultations

4.1 Environment Agency's observations are awaited.

Internal Council Advice

4.2 Head of Engineering and Transportation recommends that conditions be imposed if planning permission is granted.

5. Representations

- 5.1 A detailed submission in support of the application is included in full in the Appendix to this report.
- 5.2 In addition the applicant's agent points out that the application has been modified in the following ways:
1. Reduced in size by 2 bays.
 2. Set lower in the ground.
 3. Extra tree planting.
 4. Extra bunding.
- 5.3 A petition in support of the application with 85 signatures from 69 addresses has also been included with the planning application plus 8 letters of support. These were originally submitted in relation to the earlier proposal (SE2003/1002/F). The reasons given are summarised as follows:
- create local employment (2 new jobs)
 - support local farming community - many farms, as well as businesses and householders rely on the applicant for repairs, contract work and hire of earth moving equipment; 90% of his work is within 10 mile radius
 - would ensure existing site next to Orchard House was cleared
 - new site is less visible; building would not be seen from road and no noticeable impact on landscape
 - all services exist or are readily available; would be secure site both as regard equipment and safety of children; highway aspect agreed by Council's Transportation Unit; vehicle movements would be kept to a minimum
 - majority of local people support proposal for above reasons
 - only field applicant owns and he needs to diversify, develop and consolidate his business
 - his personal qualities are referred to; very honest and hard working.

5.4 Parish Council's observations are as follows:

A public meeting was held which 45 people attended, although not all lived in the parish. They were unanimously in favour of the application. However, the majority of Parish Councillors objected to the application, following policies laid down by national and local government. The chief reasons were that this was a commercial/industrial development, not for agriculture nor forestry, in open country within an AONB on a prominent site with substandard road access.

Points raised in favour:

- a) The building was needed to clear vehicles from the field next to Orchard House, a long-standing eye-sore in the locality and not in the applicant's ownership
- b) The building was needed to aid a local business.
- c) In this second application, the new site for the proposed smaller building will be less obtrusive as it is lower down and sunk into the hillside and will be hidden by a tree- planted bund.

Points raised against:

- a) A development control decision affecting an AONB should favour conservation of natural beauty of environment (PPG7 4.8). If erected, the building would set a precedent for other sites to be so developed.

- b) Access road is poor, being narrow, twisting and steep. Difficulties of downhill vehicles stopping in time for unseen slow moving vehicles turning in or out.
- c) The proposed building is commercial, not agricultural, and should be sited in an industrial estate not in open country
- d) Sympathy for residents who want existing site cleared, but the solution is not to move it to another greenfield site.

If consent is given, the following conditions were requested:

- e) An environmental impact assessment is needed
- f) Access must be improved before sitework is begun.
- g) All vehicles should be housed inside the building at all times.
- h) All vehicles should belong to the applicant so that the site does not develop into a general repair shop, attracting further heavy goods vehicles on to the road system
- i) The building should be of a dark colour
- j) Exterior lighting should be kept to an absolute minimum on this elevated site
- k) Noise should be kept to a minimum at all times
- l) Care is taken concerning pollution into the Castlebrook below and thus to the River Wye

5.5 4 letters have been received expressing objections to the proposal. The following is a summary of these representations:

- this is not an agricultural development and is totally inappropriate in an Area of Outstanding Natural Beauty and would conflict with policy (GD.1), intentions for Area of Outstanding Natural Beauty (to protect its natural beauty, flora and fauna) by allowing an eyesore; totally contrary to Council's Development Plan.
- Until 3 years ago the field was open pasture and extensive earth moving has created plateau and used for storage of road builder's materials and waste rubble
- earth moving is itself detrimental to landscape
- extremely conspicuous site from adjacent highway and public footpath
- vehicles and machinery may be stored outside as well as waste materials and liquids, further harming Area of Outstanding Natural Beauty
- this would set disastrous precedent for further development in Area of Outstanding Natural Beauty, exacerbating harm identified above and with far reaching consequences way beyond the immediate area
- site is awkwardly placed near blind bend on narrow road and half way up a hillside with traffic speeding downhill - turning movements of large machinery into and off site and trying to pass other large vehicles would cause considerable problems and compromise highway safety; have been several near accidents already
- concerned about noise and oil pollution; bound to be spillage of petroleum and detergent products which will leech into ground with possibly appalling consequences for wildlife
- site is extremely conspicuous and building would be a real eye-sore to this attractive area of largely unspoilt countryside
- understand that Walford PC have objected and agree with their objection
- sympathise with those living near present site but should be located to a site in keeping with such an enterprise not a greenfield site in AONB
- one local resident in Coughton has complained regularly to Parish Council regarding HGV movements and this will aggravate her problem and increase traffic on already overloaded country road.

The full text of these letters can be inspected at Southern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 There are three main issues to be considered. Firstly the relevant policies and the need for the building, secondly the impact on the landscape and thirdly highway safety.
- 6.2 Both the County Structure Plan (HWCSP) and Local Plan (SHDLP) (Policies E.6 and ED.5 respectively) encourage the expansion of existing businesses. The latter specifically refers to expansion on new sites as follows:

In its efforts to promote economic development, the Council will support appropriate proposals to develop a new site when existing businesses have outgrown their original sites and operate in cramped conditions to the detriment of surrounding residents and other land users. The Council will also support the expansion of a business activity in a settlement or countryside location where this will not give rise to serious environmental problems or have a damaging effect upon the landscape or nature conservation.

- 6.3 There is clearly an existing business operating from the field adjoining Orchard House but insufficient evidence has been submitted on two occasions to satisfy the Council that this use, which started without planning permission, has now become lawful. As the use is unauthorised it is considered that the above policies do not necessarily apply. Even so this policy only encourages new sites where the landscape will not be damaged. The erection of a new commercial building is referred to specifically or by inference in Policies C.1 and ED.6 (SHDLP) and in both cases it is specifically stated that "special justification" is required. Policy ED.6 reads as follows:

"WITHIN THE COUNTRYSIDE, PROPOSALS FOR EMPLOYMENT-GENERATING USES WILL ONLY BE PERMITTED WHERE THEY ARE FOR SMALL SCALE PROJECTS ON APPROPRIATE SITES WHICH ACCORD WITH THE COUNTRYSIDE POLICIES OF THE PLAN, AND ANY ONE OF THE FOLLOWING CRITERIA:-

- (i) THE DEVELOPMENT IS REQUIRED FOR THE ESSENTIAL OPERATION OF AGRICULTURE OR FORESTRY OR THE WINNING OF MINERALS; OR
- (ii) THE PROPOSAL IS FOR A FARM DIVERSIFICATION OR TOURISM PROJECT WHERE NO OTHER SITE EXISTS IN OR ADJOINING A SETTLEMENT AND WHICH ACCORDS WITH POLICY ED.8 AND POLICY TM.1 RESPECTIVELY; OR
- (iii) THE PROPOSAL IS FOR A REUSE OR ADAPTATION OF A RURAL BUILDING IN ACCORDANCE WITH POLICY ED.7;

NEW DEVELOPMENT OR BUILDINGS WILL ONLY BE PERMITTED PROVIDING IT CAN BE DEMONSTRATED THAT THERE IS NO OPPORTUNITY FOR THE RE-USE OR ADAPTATION OF EXISTING BUILDINGS AND SUCH NEW DEVELOPMENT SHOULD PREFERABLY BE LOCATED EITHER WITHIN OR ADJOINING EXISTING BUILT DEVELOPMENT. **A REASONED JUSTIFICATION WILL NEED TO BE SUBMITTED WITH ANY PROPOSALS OF THIS TYPE DEMONSTRATING WHY AN EXCEPTION TO COUNTRYSIDE POLICY SHOULD BE MADE. PROPOSALS FOR SUCH DEVELOPMENT**

SHOULD ALSO BE IN UNOBTRUSIVE LOCATIONS CAUSING NO ADVERSE IMPACT UPON THE NATURAL ENVIRONMENT, THE ROAD NETWORK OR LOCAL AMENITY.” [emphasis added]

- 6.4 The reasons put forward in support of the proposal refer to the need to find an alternative site, that attempts to secure premises locally have been unsuccessful and that this is the only land available. Furthermore, it is pointed out that the business serves the local farming community and other businesses and would create additional employment. Relocation into a secure building away from houses would allow the land at Orchard House to be returned to agriculture thus improving the appearance of the area. In assessing these considerations it is accepted that the business is conveniently located in the countryside but such a location does not seem to be essential. The business serves non-farming enterprises as well as local farms, according to the representations. Both the existing land and the relocation site are in the Wye Valley Area of Outstanding Natural Beauty in which priority is given to protecting the natural beauty of the countryside. The effect on the landscape is thus critical to whether an exception should be made to the policy that new commercial buildings should not normally be constructed in the open countryside.
- 6.5 In order to try to screen this sizeable building extensive earthworks are proposed. The site of the building would be excavated up to 8m below the existing ground level according to the sectional drawing submitted. Two bunds would be formed parallel with and close to the highway. In addition a new wider vehicular access and turning area would be required. These engineering works would alter substantially in contour the character and appearance of this former pasture, introducing angular and alien shapes into the countryside and further tarmac surfacing. These new features would all be highly visible and yet the building would not be screened from public view as there is a public footpath which passes just within the adjoining woodland along the south-east boundary and the building would be open to view from the adjoining highway to the south of the proposed bunds. It is considered that this would seriously harm the natural beauty of this part of the Wye Valley Area of Outstanding Natural Beauty.
- 6.6 The access could meet the requirements of the Council's Head of Engineering and Transportation who is satisfied that highway safety would not be compromised. However as noted above the access and turning area would require significant engineering works, involving further loss of hedgerow. Thus whilst this is not in itself grounds for refusal it would add to the harm to the Area of Outstanding Natural Beauty.
- 6.7 It is concluded that the harm to the countryside would be sufficiently serious as to outweigh any benefits from the development. The criteria in Policies ED.3, 5 and 6 for acceptable development in the countryside would not therefore be met and it is not considered that the case for making an exception has been made.

RECOMMENDATION

That planning permission be refused for the following reason:

The Council does not consider that there is special justification for a new building in open countryside in view of the serious harm that would be caused to the natural beauty of the landscape which is within the Wye Valley Area of Outstanding Natural Beauty and defined as of Great Landscape Value. The proposal would conflict therefore with Policies E.6, CTC.1 and CTC.2 of Hereford and Worcester County Structure Plan and ED.5, ED.6, C.1, C.5, C.6 and C.8 of South Herefordshire District Local Plan.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

Background

My client, as I understand you are aware, is an agricultural contractor who has been servicing the local agricultural community for the last 30 years. Whilst the business has been successful during that period, its growth has been fettered by Mr Cole's inability to secure appropriate storage premises for his vehicles and equipment. Accordingly, he has been forced to use a number of largely open areas at various locations including land adjacent to his home at Coughton and land at Monmouth, Tewkesbury, and Michaelchurch Escley. He has also been forced to leave plant and machinery on open, unprotected sites overnight. The consequence of such arrangements is that the business has failed to achieve its optimum efficiency and it has been affected by vandalism and other operational problems.

Being located at Coughton Mr Cole has therefore naturally sought to consolidate the business within the locality. As you know, however, he has failed to secure an authorised site, the recent application for planning permission adjacent to Orchard House having been withdrawn and an application made to seek a Certificate of Lawfulness having been rejected by our Authority. Additionally, it has been stressed by your Authority to my client that he is currently occupying his site without the benefit of planning permission and enforcement action is therefore pending. The current application is therefore submitted with the express purpose of securing a permanent removal of unauthorised storage uses on the land adjacent to Orchard House and the equally permanent establishment of the storage requirements of his business within a purpose-made building at Thorny Orchard. Implicit in the application is a proposal to retain the engineering works that have been undertaken at the latter site.

The Proposal

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The proposal entails the following:

- 1 The retention of the existing engineering works which have created a level platform with sufficient capacity to accommodate the proposed landuse.
- 2 The retention of the works undertaken to improve the existing access point, together with additional works to secure a turning radius commensurate with the requirements of your Authority.
- 3 The closure of two other existing accesses onto the adjacent highway.
- 4 The construction of a single storey storage shed with sufficient capacity to accommodate the plant and machinery that is essential to allow my client to continue his business.
- 5 Landscaping works including, in particular, the construction of a landscape bund and tree planting in the location that respects the local topography whilst at the same time provides an effective visual screen to the building.

Potential Impacts

It is appreciated that the site lies outside the established settlement limit. Nevertheless, it is wholly in the control of my client and within close proximity to his existing business location. Having attempted to secure premises elsewhere in the locality, particularly existing brownfield development sites, without success it is therefore the only option open to my client which allows him to secure alternative accommodation before enforcement action threatens to close his business.

Having said that, the visual impact of the proposal will be minimal due to the fact that the building is to be cut into the hillside with a floor level some 5 – 8 metres lower than the retained slope along the site's south-eastern boundary. With an eaves height of 6 metres and a ridge height of 8 metres the building when viewed from long distance vantage points to the west will sit within the landscape and its visual impact will be substantially mitigated by the topographical and woodland back-cloth that surrounds it.

Additionally, it is proposed to construct a landscaped earth bund of 4 metres height above the floor level of the building in a configuration that runs parallel to its north-western elevation. That, combined with the tree planting proposed on top of it and in its vicinity, will because of the degree of angle from the valley below effectively screen the building in its entirety from what will probably be regarded as being the more sensitive receptor locations in the area.

It should be noted that the public footpath that abuts the site's south-eastern boundary will be unaffected by the proposals, as will a badger sett known to exist to the north-east of the site but well outside any area of concern and, in particular, the zone in which a Badger Licence would be required to undertake any earth or building works.

The proposed access arrangements have derived from a meeting held on site between Mr Christopher Knock and your Senior Engineer (Development Control), Graham Delal. His requirements for visibility splays in both directions, for a radius of 8.5 metres, for a maximum gradient of 1 in 12 and for the entrance gates to be set back from the access are all met by the proposal, as confirmed in his letter of 24th March 2003 to Chris Knock. The proposal also has the added advantage of closing two other existing access points along the site frontage, thereby reducing the potential for vehicular conflict in the locality.

It is considered, therefore, that despite its open countryside location the proposal offers, through design and topographical/landscape mitigation, an acceptable solution to this otherwise elevated location.

Policy Context

It is appreciated that the application needs to be assessed against the context set for it by primarily, in this instance, the adopted South Herefordshire District Local Plan. In that respect:

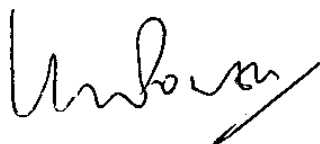
- 1 The proposal has a direct relationship to the local agricultural economy and is especially justified bearing in mind the need for it to be located within the locality and the history of enforcement action that has threatened its future at its existing main site. The proposal is considered, therefore, not to be contrary to Policy C1.
- 2 It is appreciated that the application site sits within the Wye Valley AONB where, under Policy C4, the priority will be towards the protection and enhancement of the area's natural beauty. However, the proposal is small in scale and the design is particularly tailored towards its proposed function and the quality of the local environment. The landscaping proposals, and the intention to nestle the building within the local topography, will have a minimal adverse affect upon the special scenic quality of the landscape and the local environment. The proposal is one that is regarded as essential to meet both the local needs of the agricultural community and to support the essential agricultural economy of those

communities. The proposal does not compromise the general development criteria of Policy GD1, and it is therefore considered that the requirements of Policy C5, specific to the AONB, are met.

- 3 Likewise, the choice of materials is appropriate to the locality; the landscaping proposals will be effective and complementary to the existing topography; the volume of additional traffic generated upon the local road network will be minimal; all the necessary parking requirements can be accommodated within the site; and it is therefore considered that the proposal is not in conflict with Policy C6.
- 4 Neither is the proposal considered to be in conflict with the objectives of Policy C8 which deals with development within Areas of Great Landscape Value. That is a policy, of course, that now has reduced relevance since the designation is proposed to be deleted upon the adoption of the Herefordshire Unitary Development Plan.
- 5 The proposal complies with Policy ED5 in that it comprises the expansion of existing business in a countryside location that fulfils the criteria of Policy ED3 in that it is appropriate in scale; has no adverse effects upon the environment and amenity value of the surroundings; has adequate vehicular access, servicing and parking arrangements; and fulfils generally the criteria of Policy GD1.
- 6 Finally, as the proposal is for a small scale project on an appropriate site within the countryside; it is essential for sustaining the agricultural economy within the locality; and it is necessary to maintain the viability of a business which is threatened by enforcement action at its current premises, the proposal is not in conflict with Policy ED6.

In these combined circumstances, therefore, I shall be grateful if you will register the application and proceed with its determination. In the event that you require any additional information, please do not hesitate to come back to me.

Yours sincerely



LYN POWELL
Planning Director
powell@rpsplc.co.uk

Ends

cc: Simeon Cole
Chris Knock

4 DCSW2004/0092/F - SPORTS HALL AND CHANGING ROOMS, KINGSTONE HIGH SCHOOL, KINGSTONE, HEREFORD, HR2 9HJ

**For: Herefordshire Council per Property Services,
Herefordshire Council, Franklin House, 4 Commercial
Road, Hereford, HR1 2BB**

Date Received: 19th January 2004

**Ward: Stoney Street/ Grid Ref: 42145, 36348
Vallets**

Expiry Date: 15th March 2004

Local Member: Councillor D. C. Taylor
Councillor P. G. Turpin

1. Site Description and Proposal

- 1.1 The proposal site is on the northern side of the B4359 road and is two metres to the south-east of a recently built science block. It is sited on the eastern side of existing playing fields at the Secondary School. No playing fields will be impinged upon by the proposed building. It is on the site of the vacant science block. The site straddles the boundaries of Madley and Kingstone, which are also in different constituent wards.
- 1.2 The main hall is 19.5 metres wide, 34.5 metres long. This element has an eaves height of 8.5 metres. The overall height on the barrel roofed building is 10.3 metres. On the western side of the hall building is the administrative, lobby and reception areas and the area for changing rooms, lockers, shower and toilet facilities. This element is 10.1 metres wide and again 34.5 metres in length. This block of building joins the main hall at a height of 5 metres, the roof then curves down to a height at eaves of 3.2 metres. The third element is a smaller building only 5.1 metres wide and 17.5 metres long, it is on the eastern side of the main hall, i.e. on the playing fields side. It joins the main building at a height of 4.1 metres and slopes down to an eaves height of 3.5 metres. This building will be used for storage purposes. Twelve parking spaces are provided on the south-eastern gable end of the building, two of these spaces are allocated for disabled motorists.
- 1.3 The buildings will be faced in red/brown facing brick under aluminium sheeted roofs.

2. Policies

2.1 Planning Policy Guidance

PPG.17 - Sport and Recreation

2.2 Hereford and Worcester County Structure Plan

Policy CTC.9 - Development Requirements

2.3 South Herefordshire District Local Plan

Policy GD.1	-	General Development Criteria
Policy CF.1	-	Retention & Provision of New Community Facilities
Policy R.4	-	Protection of Recreation Land & Open Space
Policy R.6	-	Dual Use

2.4 Unitary Development Plan

There are no policies that are considered to raise issues different from the current Development Plan policies.

3. Planning History

3.1	SH931154PF	Erection of a double classroom for a period of 5 years	-	No objection 19.10.93
	SH961392JZ	Joint use sports hall, gym, changing rooms, storage and ancillary facilities	-	No objection 08.01.97 (approved by H & W CC 20.03.97)
	SW1999/3151/F	Science block and relocation of classrooms	-	Approved 14.03.00
	SW2000/0773/F	Sports hall and changing rooms	-	Approved 05.09.00 (following referral to Secretary of State)

4. Consultation SummaryStatutory Consultations

- 4.1 Sport England objects on grounds that "there will be a loss of a playing field of value as local amenity land and to the interest of sport. This is given that the applicant has not addressed advice contained in paragraph 15 of PPG.17. Need more information. Our architect comments on access between changing facilities and playing field, i.e. going through the reception area. Suggests re-siting the cleaner's store and providing an access with a boot lobby."

Internal Council Advice

- 4.2 Head of Engineering and Transportation has no objection, however recommends that the development proceeds without any additional car parking on site.
- 4.3 Head of Environmental Health has no comments.

5. Representations

- 5.1 Kingstone Parish Council has no objections.
- 5.2 Madley Parish Council supports the application.

6. Officers Appraisal

- 6.1 The main issue relates to the objection of Sport England, a statutory consultee. Sport England had objected previously, such that the planning permission for the last proposal needed to be referred to the Secretary of State following presentation to the Southern Area Planning Sub-Committee on 2nd August, 2000. A secondary issue is the new car parking provision.
- 6.2 The current complex is approximately 100 square metres larger in footprint than the extant sports hall planning approval. It is sited closer to the new science block to the north-west and will be no higher than the extant planning permission. It is smaller in footprint than the sports hall approved in 1997.
- 6.3 It is considered that, notwithstanding the objections raised by Sport England, there is not a material impingement of playing fields. There are also other playing fields in Kingstone, one to the north of Coldstone Cross and the other in the centre of the playing field. The design is satisfactory and will not detract from the amenities of the locality nor will it impact upon the amenities of residents in the locality. This will though entail the local planning authority, in the event that Members support the scheme, referring the application to the Secretary of State.
- 6.4 The car parking provision can be reduced from 12 spaces to 2 spaces for the disabled, this would be in accordance with Government advice contained in PPG.13, that is seeking to reduce car journeys. There are considered to be sufficient parking facilities near the sports complex, as well as paths leading to the site.

RECOMMENDATION

That: 1. The application be referred to the Secretary of State for the Environment, Transport and the Regions, together with the representations of Sport England.

2. Subject to the Secretary of State confirming that he does not intend to call it in, the officers named in the Scheme of Delegation to Officers be authorised to approve the application subject to the following conditions and any further conditions considered necessary by officers:

1. A01 (Time limit for commencement (full permission))

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. A07 (Development in accordance with approved plans)

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

3. B01 (Samples of external materials)

Reason: To ensure that the materials harmonise with the surroundings.

Informative(s):

1. N15 - Reason(s) for the Grant of Planning Permission

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

5 DCSE2004/0041/F - CONVERSION OF EXISTING OUTHOUSE TO ANNEXE WITH EXTENSION. PROPOSED DETACHED GARAGE & GARDEN STORE AT BROOK HOUSE, WALFORD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5SB

6 DCSE2004/0042/L - CONVERSION OF EXISTING OUTHOUSE TO ANNEXE WITH EXTENSION. PROPOSED DETACHED GARAGE & GARDEN STORE AT BROOK HOUSE, WALFORD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5SB

For: Mr & Mrs A McIntosh per Hook Mason, 11 Castle Street, Hereford HR1 2NL

Date Received: 6th January 2004

Ward: Kerne Bridge

Grid Ref: 58893, 20502

Expiry Date: 2nd March 2004

Local Member: Councillor Mrs R Lincoln

1. Site Description and Proposal

- 1.1 Brook House is a detached 18th century house (listed, Grade II). It is part of a group of 5 houses arranged informally along an unclassified road leading to the south-east off the B4228 between Coughton and Walford.
- 1.2 It is proposed to convert an existing outbuilding into additional living accommodation and to erect a detached double garage with attached store. The former includes a new lean-to conservatory on the south-east side of the outbuilding. This would be about 6.3m wide x 3.1 m deep and would have a stone plinth, oak frame and slate roof. The floor within the building would be partially re-instated to form a sleeping gallery, accessed by a fixed ladder, with the lower floor being kitchen/dining room plus shower and toilet. Some alterations to external appearance would also be necessary and a new doorway formed to access the conservatory.
- 1.3 The garage/store would be sited adjacent to the eastern corner of the house and linked by a garden gate. It would be 9 m long x 6 m wide and about 6.1 m to ridge. The store would be a lower lean-to. The building would be weather-boarded supported by oak posts and portal frame, with a slate roof. Garage doors would not be fitted.

2. Policies

2.1 Planning Policy Guidance

PPG.7

The Countryside: Environmental Quality and Economic & Social Development

2.2 Hereford and Worcester County Structure Plan

Policy H20	Housing in Rural Areas
Policy CTC1	Area of Outstanding Natural Beauty
Policy CTC2	Area of Great Landscape Value

2.3 South Herefordshire District Local Plan

Policy SH23	Extensions to Dwellings
Policy C5	Development within AONB
Policy C8	Development Within Area of Great Landscape Value
Policy C27B	Alterations or Additions to Listed Buildings
Policy C44	Flooding
Policy GD1	General Development Criteria

3. Planning History

3.1	SS98/0986/LD	Modernisation of farmhouse.	-Consent 24.12.98
	SS98/985/PF	Modernisation of farmhouse.	- Permitted 24.12.98
	SE2001/2717/F	Construction of raised terrace	- Permitted 20.12.01
	SE2001/2719/L	Construction of terrace steps and railings, canopy over central door and south elevation.	- Consent 20.12.01

4. Consultation SummaryStatutory Consultations

- 4.1 Environment Agency has no objection to the proposed development but makes the following comments:

The Agency has no record of flooding for this site, however, the site lies within the Indicative Floodplain of an un-named minor watercourse and could be flooded during a 1 in 100 year flood event.

The Environment Agency recommends that finished floor levels of the residential extension and conversion and stores be set at a minimum of 600mm above the highest recorded flood level. However, it is recognised that the nature of an extension may post significant constraints against raising floor levels in terms of usage, disabled access, visual amenity etc.

The Environment Agency recommends that in areas at risk of flooding consideration be given to the incorporation into the design and construction of the development of flood proofing measures.

The garages should be allowed to flood during an extreme event, therefore there is no requirement for floor levels within the garages to be raised above the highest recorded flood level but they should remain open fronted in perpetuity.

Internal Council advice

- 4.2 Head of Engineering and Transportation has no objection.

4.3 Head of Conservation does not wish to object to the proposal.

5. Representations

5.1 The applicants' agent makes the following submission:

Firstly our clients wished to convert an existing outhouse attached to Brook House to form additional family accommodation. This includes a simple lean-to extension forming a roofed conservatory. The fabric of the outhouse is in good condition and for many years has been used for general storage.

It is clear from available evidence that this building had some form of domestic use in conjunction with Brook House. The interior is generally dilapidated and requires updating. It is also clear that originally the building had first floor accommodation and our proposals seek to reinstate this.

In addition to east of the building there had previously been some form of lean-to structure, possibly pig-sties or other buildings. These lean-to buildings were removed a number of years ago. Our proposals seek to replace these lean-to structures with a small conservatory constructed in ~ traditional manner using materials sympathetic with the existing out-house.

Secondly, in addition, to the conversion of the outhouse our clients wish to construct a new and detached open fronted garage with attached garden store. The property does not currently have any garaging facilities and this proposal would be constructed on the edge of the existing parking area. There would be no loss of parking to accommodate the garage. The construction is traditional with a partly oak frame weather boarded elevation. The roof would be covered in natural slates.

5.2. Parish Council's observations are as follows:

There were no objections to the scheme for converting the outhouse to an annexe as long as 1) the materials used are as stated on the plans and 2) it cannot be sold separately. There was some concern over the size of the garage block in relation to the plot size. It should not be used for domestic accommodation.

5.3 Two letters have been received from Flaxley House, Walford, objecting to the proposals. In summary the following reasons are cited:

- 1) Generally support restoration being undertaken at Brook House but reluctantly object to one aspect : siting of garage.
- 2) Design is attractive and anticipate it will be well built but roofline too high and could be reduced by asymmetrical roof.
- 3) Principal objection is that will obscure views over open countryside to Bulls Hill - alternative location suggested immediately to north east of proposed location with garage turned 90 degrees.
- 4) A very big structure and will have major impact on setting of the house - local special period houses do not have attached garages but separate outbuildings, mostly well away from main house
- 5) Drawings of proposed location and asymmetrical roof and photographs illustrating impact were also submitted.

The full text of these letters can be inspected at Southern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

- 6.1 There are three issues that need to be addressed viz. the effect on the character and appearance of the listed building and its setting, the effect on the amenities of neighbours and the risk of flooding. On the first issue the outbuilding would be converted and extended sympathetically both with regard to design and materials. The outbuilding is attractive and appropriately sited in relation to the main house. The garage would be the same size as a typical double garage, although higher at eaves level and with a more steeper pitched roof. The latter however are not considered to be excessive, given that Brook House is a sizeable country house. Even with the lean-to store this building is not considered to be out of scale. The design and materials are appropriate to a modern outbuilding.
- 6.2 The siting of the garage is also considered to be acceptable. The area to the front of the house is not extensive but would not be filled by the garage/store. The curtilage extends to the south west of the house and in this context the new outbuilding would not appear cramped.
- 6.3 The garage/store would partially obstruct views of the countryside to the north east. Nevertheless the distance from the nearest house which has windows looking directly towards the garage would be over 30m. Whilst the objectors' concerns are appreciated at this distance the proposed outbuilding could not be considered to be overbearing and loss of view as such is not grounds to refuse permission. The effect on neighbours amenities would not therefore cause serious harm.
- 6.4 The Environment Agency recommends that the floor level be set above the highest flood levels. Unfortunately there are no records of flood levels. The finished floor level of the out building would be similar to the adjoining part of the house. It is known that the cellar of the house floods, though not it seems as a result of the nearby brook overflowing, but not whether the ground floor is also below the highest flood level. The house appears to have been built up above the adjoining ground and may therefore be above the flood level of the brook. Apart from the conservatory there is no additional living accommodation, planning permission not being required to use the outbuilding for this purpose. The Agency does not object to the new garages. In these circumstances it is considered that an exception can be made to the policy (C40) that development should not be allowed within floodplains.

RECOMMENDATION

In respect of SE2004/0041/F

That planning permission be granted subject to the following conditions:

1. A01 (Time limit for commencement)

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. C02 (Approval of details)

Reason: To safeguard the character and appearance of this building of (special) architectural or historical interest.

- 3. The annexe hereby permitted shall not be occupied other than as living accommodation or for other purposes incidental to the residential use of the dwellinghouse known as Brook House, and shall not be used as a separate dwelling.**

Reason: It would be contrary to the policy of the local planning authority to grant planning permission for a separate dwelling in this location.

- 4. E08 (Domestic Use only of Garage)**

Reason: To ensure that the garage is used only for the purposes ancillary to the dwelling.

- 5. F48 (Details of slab levels)**

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.

Informative(s):

- 1 N15 - Reason(s) for the Grant of Planning Permission.**

Decision:

Notes:

In respect of SE2004/0042/L

That listed building consent be granted subject to the following conditions

- 1 C01 (Time limit for commencement (Listed Building Consent))**

Reason: Required to be imposed by Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 2 C02 (Approval of details)**

Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.

- 3 F48 (Details of slab levels)**

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.

Informative(s):

1 N15 - Reason(s) for the Grant of Listed Building Consent

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

7 DCSE2003/3612/O - PROPOSED DEMOLITION OF REDUNDANT CHURCH BUILDING AND OUTLINE CONSENT FOR RESIDENTIAL DEVELOPMENT AT OUR LADY AND ST TERESA OF LISEUX R.C. CHURCH, WHITCHURCH, SYMONDS YAT, HEREFORDSHIRE HR9 6DJ

For: Trustees of Archdiocese of Cardiff per Walter Davies, Chartered Surveyor, 12 Tawe Business Village, Phoenix Way, Enterprise Park, Swansea SA7 9LA

Date Received: 2nd December 2003 Ward: Kerne Bridge Grid Ref: 54952, 17631

Expiry Date: 27th January 2004

Local Member: Councillor Mrs R Lincoln

1. Site Description and Proposal

- 1.1. The site lies within the larger settlement of Whitchurch, as defined in the Local Plan. It is accessed off the C1250, Llangrove to Whitchurch road, and is situated within the Wye Valley Area of Outstanding Natural Beauty. The site slopes down from the northwest to the southeast. A stone wall and gate define the roadside boundary, with walls along the eastern and southern boundaries and mature planting along the western elevation.
- 1.2 The 0.9 hectre site is occupied by a detached building, known as Our Lady and St. Teresa of Liseux Roman Catholic Church. The building is of distinctive design having a steep roof pitch and a tall, narrow gable facing the road. The gable is centrally glazed with cream painted render to the sides and other elevations. The land around the church is open.
- 1.3 It is proposed to demolish the church building and develop the land for residential purposes. The application is in outline form, with all matters reserved for future consideration.

2. Policies

2.1 Planning Policy Guidance

PPG 1	General Policy and Principles
PPG 3	Housing
PPG 7	The Countryside: Environmental Quality and Economic & Social Development

2.2 Hereford and Worcester County Structure Plan

Policy H18	Residential Development in Rural Settlements
Policy H16A	Housing in Rural Areas

Policy CTC1	Area of Outstanding Natural Beauty
Policy CTC9	Development Criteria

2.3 South Herefordshire District Local Plan

GD1	General Development Criteria
Policy C5	Development within Areas of Outstanding Natural Beauty
Policy C43	Foul sewerage
Policy C45	Drainage
Policy SH6	Housing Development in Larger Villages
Policy SH8	New Housing Development Criteria in Larger Villages
Policy SH14	Siting and design of buildings

2.4 Herefordshire Unitary Development Plan – First Deposit Draft

Policy H4	Main Villages: Settlement Boundaries
Policy H14	Re-using Previously Developed Land and Buildings
Policy LA1	Areas of Outstanding Natural Beauty

3. Planning History

- 3.1 9819 - Erection of Roman Catholic Church and formation of septic tank drainage - granted 25.7.1960.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency - No objections
- 4.2 Welsh Water - Foul discharge from the proposed development, which is equivalent to, or less than that of the foul flows from the existing site would be acceptable. No objection if the the proposal were for one dwelling in place of the Church.

Internal Council advice

- 4.3 Head of Engineering and Transportation has no comments.

5. Representations

- 5.1 Parish Council - Comments awaited
- 5.2 Three letters of representation have been received from Jan and Jonathan Knibbs of The Cedars, Ian and Paula Knight of Rosedene and Ross-on-Wye and District Civic Society. The main points raised are:

- the church building is a good example of 1960's architecture being attractive and architecturally interesting. Perhaps unlikely that the building would meet the stringent criteria for the listing of post-war buildings
- it would be sacrilege to knock the church down
- the site would not accommodate many new houses, suggest that the applicant is asked to consider the conversion of the existing building, which would make a fine house, especially providing studio space.

- the site would only be suitable for one bungalow, not a three storey executive house
- there is already a drainage problem in Whitchurch, another dwelling would add to the problem
- the access is directly opposite our house (The Cedars), we will not allow any construction to block our access, nor vehicles to stop and turn in our drive
- the church is only used once a week and with the access into the site and ours being opposite would be dangerous on such a narrow road
- our neighbour (Cedar Cottage) parks her car on the road, outside her house, this would cause major problems for access for developers
- the road is narrow and children often walk along it, large construction vehicles would put them in danger.
- there is a small wooded area between our property (Rosedene) and the site and it is unclear where the boundary is. How can the boundary be established?
- No development should take place, the site should be left exactly as it is.

The full text of these letters can be inspected at Southern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The main consideration in the determination of this application is the principle of residential development of the site. The demolition of the Church, which is not a listed building, does not constitute development. Advice has been sought to ascertain if the building would be worthy of listing. By reason of its age and that it was not designed by an eminent architect it is considered that the building would not be listed. As such the Local Planning Authority cannot prevent its demolition.
- 6.2 The site lies within the larger settlement of Whitchurch, as defined in the Local Plan. Policies H18 and H16A of the Structure Plan and SH8 of the Local Plan are therefore applicable. These policies state that new residential development will normally be permitted subject to compliance with specified criteria. Furthermore the site constitutes previously developed land under the definition set out in Annex C of PPG3 – Housing. The surrounding land uses are residential. It is therefore considered that residential use of the site is acceptable in principle.
- 6.3 It is proposed to dispose of foul waste to the mains sewer. Local Plan policy C43 encourages connection to the mains sewer where this is possible. Welsh Water have advised that the replacement of the church with one dwelling would be acceptable in terms of its impact upon the public sewerage system. It is considered that a site of 0.9 hectares could accommodate more than one dwelling. However in light of the existing problems with the public sewerage system and the character and appearance of the surrounding development and their building to plot ratios, the restriction of the site to the erection of a single dwelling would not be contrary to policy requirements.
- 6.4 Predominantly the surrounding dwellings are two storey. By virtue of land levels and due to the size of the site it is considered that there is no justification in planning terms to restrict a dwelling on the site to a single storey structure.
- 6.5 The concerns regarding the access are noted, however the application is in outline form with all matters, including access, reserved for future consideration.

6.6 In conclusion the principle of residential development is acceptable and drainage issues can be resolved by conditions. All other matters such as the access, siting, design, materials and landscaping will be considered at a later stage.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1 A02 (Time limit for submission of reserved matters (outline permission))

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

2 A03 (Time limit for commencement (outline permission))

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

3 A04 (Approval of reserved matters)

Reason: To enable the local planning authority to exercise proper control over these aspects of the development.

4 A05 (Plans and particulars of reserved matters)

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

5 Only one dwelling shall be erected on the site.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

Informative(s):

1 N15 - Reason(s) for the Grant of Planning Permission.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

8 DCSW2004/0053/F - ERECTION OF DETACHED DOUBLE GARAGE AND A TWO STOREY EXTENSION, CREATION OF NEW DRIVEWAY, CHANGE OF USE AGRICULTURAL TO RESIDENTIAL. STONEY WAYS, HOARWITHY, HEREFORD, HR2 6QE

**For: Mr & Mrs Croke per Warren Benbow Architects,
21 Mill Street, Kington, Herefordshire, HR5 3AL**

Date Received: 7th January 2004

Ward: Pontrilas

Grid Ref: 54783, 29967

Expiry Date: 3rd March 2004

Local Member: Councillor G. W. Davis

1. Site Description and Proposal

- 1.1 The site is immediately to the east and downhill from Although Farm. Although is a dispersed settlement north of Hoarwithy. Stoney Ways is cut into this sloping site. Access is gained at present off an unclassified road (u/c 71002) 7 metres to the east of the predominantly natural stone faced dwelling.
- 1.2 It is proposed to extend the dwelling by extending eastward on the main elevation with a rubble stone faced gable fronted extension. This element is in line with the existing front wall of the wall property. An existing area of red brick will be faced in stone rubble walling. The building will also be extended southward with the enlargement of the southern wing, and by building a new extension to the rear, i.e. westward such that the building will now be in a 'T' shape with the new stone gable front in the centre of the east elevation. It is currently in an 'L' shape.
- 1.3 A new driveway is also proposed, it leads eastward from the existing access point and then curves back uphill and westward towards Stoney Ways. The entrance to the dwelling will be at a higher level than at present, being further uphill. The existing garage on what is the lower ground floor will become a study and the entrance hall/porch will become a guest bedroom. It is proposed to erect a detached garage to the south-west of the three-storey dwelling. It will be linked to the house by an open covered walkway 1.9 metres wide. The access drive includes land that was formerly outside the curtilage of the dwelling, therefore as part of the application a change of use is proposed for an area of land to the south of Stoney Ways to be incorporated into the residential curtilage.
- 1.4 Also as part of the application, new dormer windows will be introduced into the east elevation, together with new windows in oak that provide a regular consistent configuration and style throughout the enlarged building.
- 1.5 This proposal follows one refused planning permission in 2003, and then subsequently dismissed on Appeal to the Secretary of State in October last year. The proposal was for larger extensions, one element of which was higher than the existing dwelling. It was refused primarily for reasons of scale and massing, and its impact in the wider landscape. There was also an issue relating to the fact that the dwelling would not, with its enlargement, be likely to be within the price range of agricultural workers.

However, the appointed Inspector focused solely on the mass and scale of the proposed extensions in dismissing the appeal. It should be added that the driveway and extension of garden curtilage did not raise issues for the appointed Inspector nor were they reasons for refusal.

2. Policies

2.1 Hereford and Worcester County Structure Plan

Policy H.20	-	Residential Development in the Open Countryside
Policy CTC.1	-	Development in Areas of Outstanding Natural Beauty
Policy CTC.2	-	Development in Areas of Great Landscape Value
Policy CTC.9	-	Development Criteria

2.2 South Herefordshire District Local Plan

Policy GD.1	-	General Development Criteria
Policy C.1	-	Development within Open Countryside
Policy C.5	-	Development within Area of Outstanding Natural Beauty
Policy C.8	-	Development within Area of Great Landscape Value
Policy SH.23	-	Extensions to Dwellings

3. Planning History

3.1 SH78/0763	Restoration of and extension to semi derelict dwelling for occupation by an agricultural worker	-	Approved 29.11.78
SH87/1598	Extension and alterations	-	Approved 21.01.88
SH940909FZ	Occupation of agricultural dwelling in breach of condition	-	Refused 05.10.94
SE2000/0287/U	Use of property as a dwelling by persons who are not or mainly or last employed in the locality in agriculture, as defined in Section 290(1) of the Town and Country Planning Act 1971	-	Granted 25.05.00
SE2002/2216/F	Revision of existing gateway and construction of new access route to domestic property	-	Refused 06.09.02
SE2002/3893/F	Two-storey extension, double garage and driveway and change of use of land	-	Refused 13.02.03. Dismissed on Appeal 23.10.03

4. Consultation Summary

Statutory Consultations

4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 Head of Engineering and Transportation has no objection to the grant of planning permission.

5. Representations

- 5.1 The Parish Council has no objection.
- 5.2 One letter of objection has been received from

Mrs. A. Cuthbert, Cleveland, Hoarwithy, HR2 6QE

The following main points were raised:

- Cleveland is directly below Stoney Ways, some 75 yards away
- significant extension, affect privacy and general amenity
- main outlook to east, nevertheless rely on afternoon and evening light as well as privacy
- new driveway brings traffic up to our boundary. Intrusive
- inappropriate and unsuitable in Area of Outstanding Natural Beauty - out of scale and proportion, with other dwellings at Although built in 18th and early 19th Century. Cleveland does not have proper foundations
- excavation works, could cause structural damage to soil of hillside, other parts of Hoarwithy hill have suffered with subsidence, luckily not Although so far
- issue of subsidence not addressed satisfactorily at appeal. Who is liable if damage results?
- lane not suitable for development traffic
- property could be used for commercial or business activity given scale of building, request prohibiting condition
- barn behind Stoney Ways already used to house lorries and other vehicles not directly involved in farming.

The full text of this letter can be inspected at Southern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The previously submitted scheme was refused primarily on three grounds, one related to the scale and massing, and the relationship to the existing dwelling. The original dwelling was dominated by the proposed extensions, therefore detracting from the character and appearance of the original dwelling. This would have had an impact on the wider landscape which is designated as being part of the Area of Great Landscape Value and Area of Outstanding Natural Beauty. The third issue related to the agricultural tie on Stoney Ways and that such an enlargement would take it out of the price range of agricultural workers. The appointed Inspector, in dismissing the appeal to that refusal, sustained the first two linked issues but considered that it would not result in the loss of a viable dwelling for an agricultural worker. The appointed Inspector considered that the Council would have great difficulty enforcing the agricultural tie condition imposed in 1978.
- 6.2 The current proposal has been greatly modified from that refused last year. The removal of the red brick extension up slope, i.e. west of the original stone dwelling and replacing it with a rubble stone faced block of building further away from the highway

than at present was an aspect of the previously refused scheme that was considered sympathetic. It meant that more of the original stone dwelling that was brought back into habitable use in 1978 would be visible.

- 6.3 The current issues relate to the form and massing of the scheme and its impact in the wider landscape. There are also issues of the impact on neighbours, the impact of the driveway on nearby residents, land subsidence, whether or not the lane is suitable for construction traffic and the possibility of commercial activity in the future. These are all issues identified by the objector previously in relation to the dismissed appeal.
- 6.4 In respect of the first issue, the new scheme has a greatly reduced footprint area. The southern end of the former dwelling will be squared off, but it will not be extended with a two-storey block as previously that had a ridge higher than the existing dwelling. The other change is the demolition of the unsympathetic red brick faced extension approved in 1978, and was proposed to be replaced by a stone rubble faced extension. This extension provides two floors of accommodation, the upper floor being within the roof space, this has necessitated the introduction of double dormer windows on both the north (i.e. facing the highway) and south elevations. It is considered that the block of new building and the introduction of the gable feature on the east elevation, together with the introduction of new oak windows, stone rubble walls, provides a cohesive and sympathetic approach. The original dwelling, as required by Policy SH.23 in the South Herefordshire District Local Plan, still remains the dominant structure.
- 6.5 The existing dwelling is at its nearest 42 metres from Cleveland, this distance will remain unaltered. There will not be a loss of privacy nor of daylight, given the distance involved, particularly given that Stoney Ways is north-west of Cleveland. This was not an issue that the appointed Inspector considered was a material ground of refusal or indeed concern. The appointed Inspector was also aware of the issue raised in objection concerning the proximity of the driveway to Cleveland, this driveway is still in the same configuration as for the previously refused scheme. This is not considered to be a ground for refusal given the existence of a hedge and that there is a lane between Cleveland and the boundary of the site.
- 6.6 An objection has been raised concerning the proximity of the driveway, which was not raised previously by the objector at the time of the previous appeal. The configuration of the driveway is identical to the scheme determined as part of the appeal process by the appointed Inspector. It is not considered that it will detract from the amenities of residents living in Cleveland, it is a matter that has already been the subject of a planning appeal, and was not a matter that provided a reason for refusing the previous scheme.
- 6.7 A further issue is one of possible subsidence resulting from work on the site, this was addressed by the appointed Inspector, as the issue of construction traffic utilising the narrow country lanes. Unless there is substantial evidence of subsidence planning approvals cannot be reasonably refused on the basis that there might be a problem. Also, the appointed Inspector had no reason to believe that the impact of construction traffic would "be undue". This remains the case.
- 6.8 The final issue is one that relates to the possibility of commercial activity at Stoney Ways. The appointed Inspector stated that "it was not a matter before me now" meaning that what was applied for was for extensions and alterations to a residential property. A use that requires planning permission would be treated on its merits and

with regard to policies contained in the Development Plan and other material considerations, at the appropriate time.

- 6.9 The proposal complies with policies relating to the extension and alteration of dwellings in the Area of Outstanding Natural Beauty and Area of Great Landscape Value, contained in the South Herefordshire District Local Plan and Hereford and Worcester County Structure Plan. The building will be enhanced, as will the wider landscape. It will not have a detrimental impact on the amenity of residents in the vicinity of the site. There will not be a detrimental loss of agricultural land and nor will the enlargement of the curtilage have a detrimental impact in the wider landscape.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. **A01 (Time limit for commencement (full permission))**
Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
- 2. **A07 (Development in accordance with approved plans)**
Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.
- 3. **B01 (Samples of external materials)**
Reason: To ensure that the materials harmonise with the surroundings.
- 4. **G04 (Landscaping scheme (general))**
Reason: In order to protect the visual amenities of the area.
- 5. **G05 (Implementation of landscaping scheme (general))**
Reason: In order to protect the visual amenities of the area.
- 6. **E16 (Removal of permitted development rights)**
Reason: In the interests of protecting the amenity of this elevated area of land that constitutes part of the Area of Outstanding Natural Beauty and Area of Great Landscape Value.

Informative(s):

- 1. **N15 - Reason(s) for the Grant of Planning Permission**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

9 DCSE2004/0075/F - FIRST FLOOR EXTENSIONS TO FRONT OF DWELLING AT 2 OKELL DRIVE, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5QQ

For: Mr Francis, The Maples, 2 Okell Drive, Ross-on-Wye, Herefordshire HR9 5QQ

Date Received: 8th January 2004

Ward: Ross-on-Wye West

Grid Ref: 60014, 22925

Expiry Date: 4th March 2004

Local Members: Councillor G Lucas and Councillor M R Cunningham

1. Site Description and Proposal

- 1.1. The site lies within Ross-on-Wye and in a primarily residential area, as defined in the Local Plan. Number 2 is the second property on the left hand side of Okell Drive and occupies a corner plot on the inside of the curve in the cul-de-sac. The two storey hipped roofed dwelling is essentially 'L' shaped, with an attached double garage. The property is constructed in red brick, with exposed timber framing to the first floor, under a tiled roof.
- 1.2 It is proposed to erect a first floor extension over part of the existing attached double garage.

2. Policies

2.1 Planning Policy Guidance

PPG 1 General Policy and Principles

2.2 Hereford and Worcester County Structure Plan

Policy CTC9 Development Criteria

2.3 South Herefordshire District Local Plan

Policy GD1 General development criteria
Policy SH23 Extensions to Dwellings

2.4 Herefordshire UDP (Deposit Draft)

PolicyH18 Housing in Rural Areas

3. Planning History

- | | | | | |
|-----|--------------|---|---|---|
| 3.1 | SH94/1095/PF | Erection of three detached dwellings with garages | - | refused 2.11.1994 – appeal dismissed 1.8.1995 |
| | SH96/0116/PF | Erection of three detached dwellings with garages | - | refused 17.4.1996 |
| | SH96/0558/PF | Erection of three detached dwellings with garages | - | refused 3.7.1996 – appeal allowed 9.6.1997 |

4. Consultation Summary

Statutory Consultations

No statutory or non statutory consultations required.

- 4.1 Head of Engineering and Transportation has no objections

Internal Council Advice

5. Representations

- 5.1 Ross on Wye Town Council - No objections
- 5.2 Ross on Wye Rural Parish Council - No objections
- 5.3 Two letters of objections have been received from Mr and Mrs Peachey of Fairview, Okell Drive and Neil Rodger of 11, Okell Drive, Ross-on-Wye. The main points raised are:
- this dwelling was one of three that were subject to protracted appeals procedures - this arose as originally the site was for two dwellings on this side of Okell Drive but the developer wanted to shoehorn three dwelling onto the site
 - the extension proposed would detract from the street scene and would be out of keeping with the other houses in the street. The overall size of the dwelling on such a small plot may be overbearing
 - the rear window of this extension would overlook other houses, impinging on privacy
 - our property (Fairview) already suffers poor light in the north facing dining room and south facing lounge and despite the installation of patio doors artificial light is required to bring it up to what we consider to be acceptable standards
 - the extension would adversely affect the light coming into our side windows
 - the additional window to the rear of the proposed extension would further add to the degree of overlooking we already experience

The full text of these letters can be inspected at Southern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The main considerations in the determination of this application are the impact of the proposal on the character and appearance of the existing dwelling, the effect on the street scene and the amenity of neighbouring properties.

- 6.2 Policy SH23 of the South Herefordshire District Local Plan states that extensions to dwellings should be in keeping with the character of the existing dwelling in terms of mass, scale, design and materials. Furthermore the existing dwelling should remain the dominant feature in the resulting scheme. The first floor extension would have a lower ridge height than the highest part of the existing property's roof and incorporates hipped roofs. The extension would extend across the existing ground floor study and half of the double garage, with a hipped gable extension above the lean-to roof to the study. It is considered that the proposal would be of a scale, mass, design, siting and materials that would be in keeping with the existing character and appearance of the dwelling. In relation to the existing house the extension would be relatively modest in size and due to its siting, design and materials the existing property would remain the dominant element.
- 6.3 Okell Drive is characterised by large, modern, two storey dwellings. The first three properties, of which number 2 is the middle property, are more tightly knit than the other properties. The proposed extension would not reduce the gap at ground floor between the dwellings, but would decrease the gap at first floor. In light of the existing character and appearance of Okell Drive and particularly the property subject to this application and those either side it is considered that the proposal would not have a harmful impact upon the existing street scene.
- 6.4 The extension, being at first floor, would not be any nearer to the boundary with Fairview than the existing dwelling. Whilst the two storey element of the dwelling would be nearer to the boundary it would be some 8 metres from the side elevation of Fairview, which has no first floor windows. No windows are proposed in the northern elevation of the extension. One window is proposed in the western elevation of the extension, however there are three windows in the southern elevation of the existing dwelling that directly face the garden of Fairview. In relation to number 1 Okell Drive the proposed window would not overlook the garden due to its siting and the only first floor window on the eastern elevation of number 1 is fitted with obscure glazing. On the basis of the existing relationship between the properties it is considered that in this context the proposal would not unacceptably impinge upon privacy nor have an overbearing or overshadowing impact upon the residential amenities of either Fairview or 1 Okell Drive.
- 6.5 It is considered that the proposal would be in keeping with both the existing dwelling and street scene and would not adversely impact upon residential amenity. Therefore the proposal accords with the Development Plan policies.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1 A01 (Time limit for commencement (full permission))

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2 A06 (Development in accordance with approved plans)

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

3 B02 (Matching external materials (extension))

Reason: To ensure the external materials harmonise with the existing building.

Informative(s):

1 N03 - Adjoining property rights

2 N15 - Reason(s) for the Grant of Planning Permission.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

10 DCSE2003/2954/F - RESIDENTIAL DEVELOPMENT OF 9 HOUSES TOGETHER WITH HIGHWAY IMPROVEMENTS TO WALFORD ROAD AT FORMER WATER BOARD DEPOT, WALFORD ROAD, COUGHTON, ROSS-ON-WYE

For: Corporation Properties Ltd per Keith Reynolds Associates, Derwent House, Mary Ann Street, St Pauls Square, Birmingham B3 1RL

Date Received: 30th September 2003 Ward: Kerne Bridge Grid Ref: 59534, 21271
Expiry Date: 25th November 2003
Local Member: Councillor Mrs R Lincoln

1. Site Description and Proposal

- 1.1 The former Water Board site lies within the defined settlement of Coughton and some two miles from Ross-on-Wye. It is situated to the southeast of the B4234 and to the rear of part of a sheltered housing complex known as Fowbridge Gardens. A Grade II listed building, Walford House Hotel, is situated almost opposite the access into the site. The site lies within the Wye Valley Area of Outstanding Natural Beauty, the Area of Great Landscape Value and a flood plain.
- 1.2 The 0.6 hectare site, which is essentially rectangular, is accessed off the B4234 via an adopted road some 73 metres in length and 5 metres in width. This access road also provides vehicular access to some of the properties on Fowbridge Gardens, there being another vehicular access to the southwest of the sheltered housing complex. The site is relatively flat, with areas of hardstanding remaining from its previous use, which has now ceased. Mature conifers define the northern and eastern boundaries with predominantly willow and poplar along the southern site boundary, whilst the boundary to the west (the rear of numbers 7 to 13 Fowbridge Gardens) is demarked by a chainlinked fence. There are some wild bushes etc within the site. A public right of way runs parallel to and adjacent with the eastern boundary, but lies outside of the site, being separated by existing trees. Two sets of overhead electricity cables cross parts of the site, 11,000 voltage cables are carried on wooden poles at the northern section and 132,000 voltage cables cross the southeastern section of the site.
- 1.3 It is proposed to erect nine detached, two storey dwellings together with associated driveways and works to the B4234 and an area of open space. Two three bedroomed properties, five four bedroomed properties and two five bedroomed properties are proposed. The access into the site would be off the head of the existing deadend road to the northeast of numbers one to six Fowbridge Gardens. A driveway is proposed through the middle of the site, with six dwellings proposed on the northern side and three dwellings together with the area of open space of some 946 square metres on the southern side. It is proposed to slightly re-align the section of B4234 between Cedar Grove and Coughton Place, through the modifications to the edge of the existing carriageway and the kerblines. This would provide increased visibility splays in both directions from the access road.

2. Policies**2.1 Planning Policy Guidance**

PPG1	General Policy and Principles
PPG3	Housing
PPG7	The Countryside: Environmental Quality and Economic & Social Development
PPG13	Transport
PPG16	Archaeology and Planning
PPG25	Development and Flood Risk

2.2 Hereford and Worcester County Structure Plan

Policy H18	Residential Development in Rural Settlements
Policy H16A	Development Criteria
Policy T12	On-street Parking
Policy T15	Needs of other Road Users
Policy CTC1	Area of Outstanding Natural Beauty
Policy CTC2	Area of Great Landscape Value
Policy CTC5	Development Affecting Archaeological Sites
Policy CTC9	Development Criteria

2.3 South Herefordshire District Local Plan

Policy GD1	General Development Criteria
Policy C2	Settlement Boundaries
Policy C5	Development within AONB
Policy C8	Development Within Area of Great Landscape Value
Policy C20	Protection of Historic Heritage
Policy C29	Setting of a Listed Building
Policy C32	Archaeological Information
Policy C34	Preservation and Excavation of Important Archaeological Sites
Policy C35	Management/enhancement of Archaeological Remains
Policy C43	Foul Sewerage
Policy C44	Flooding
Policy C44A	Flood Alleviation Schemes
Policy C45	Drainage
Policy C48	Health and Safety
Policy SH6	Housing Development in Larger Villages
Policy SH8	New Housing Development Criteria in Larger Villages
Policy SH14	Siting and design of buildings
Policy SH15	Criteria for new housing schemes
Policy R3B	Development and Open Space Targets 3 to 10 Dwellings
Policy R3C	Calculation of Open Space
Policy T1A	Environmental Sustainability and Transport
Policy T3	Highway Safety Requirements
Policy T4	Highway and Car Parking Standards

2.4 Herefordshire UDP (Deposit Draft)

Part 1	
Policy S1	Sustainable Development

Policy S3	Housing
Policy S7	Natural and Historic Heritage
Part 2	
Policy DR1	Design
Policy DR2	Land Use and Activity
Policy DR3	Movement
Policy DR4	Environment
Policy DR5	Planning Obligations
Policy DR7	Flood Risk
Policy DR10	Contaminated Land
Policy H1	Hereford and the Market Towns: Settlement Boundaries and Established Residential areas
Policy H4	Main Villages: Settlement Boundaries
Policy H9	Affordable Housing
Policy H13	Noise
Policy T6	Walking
Policy T11	Parking Provision
Policy LA1	Areas of Outstanding Natural Beauty
Policy HBA4	Setting of Listed Buildings
Policy ARCH1	Archaeological Assessments and Field Evaluations
Policy ARCH5	Sites of Regional or Local Importance
Policy ARCH6	Recording of Archaeological Remains
Policy CF2	Foul Drainage

3. Planning History

3.1	6904	Use of land as a depot for comprehensive water scheme and erection of building for use as offices and store.	-	Granted 4.9.57
	7265	Erection of a depot and erection of buildings for use as offices and stores.	-	Granted 11.3.58
	7643	Erection of buildings for temporary use as offices, garage and stores.		Granted 3.7.58
	12314	Permanent permission for development previously granted temporary consent.	-	Granted 23.1.62
	19955	Extension to existing stores and garage.	-	Granted 24.8.65
	24104	Erection of maintenance workshop.	-	Granted 24.8.67
	36291	Use of land for storage of materials and equipment (part of parcel 388)	-	Granted 21.6.74
	304/76	Use of land as an extension of storage area.	-	Granted 2.6.76
	881/76	Extension of storage area for temporary storage of pipes.	-	Withdrawn
	SS98/0457/PO	Residential development including alterations to existing access.	-	Withdrawn 26.10.98
	SE2003/1756/F	Residential development of 15 houses together with highway improvements to Walford Road.	-	Withdrawn 26.8.03

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency - No objections subject to conditions.
- 4.2 Welsh Water - No objections subject to conditions.
- 4.3 Aquilla - The Electro-magnetic field around the electrical conductors (wires) would be negligible. Would advise that there would be a greater reading from any internal electrical wiring in the walls, floors and ceilings of a property, as you would be closer to these items than overhead electric lines. It would be unwise to create a recreational area in the proximity of the overhead lines, as it could cause a serious risk bearing in mind the tower line carries 132,000 volts and the wood pole line 11,000 volts. To create a public open space beneath the lines would be wholly inappropriate. The impact of new supplies on the properties would not affect the efficiency of the distribution network in the area. Indeed our engineers when designing services to the new properties would factor-in the extra demand on the system apparatus in the area and re-enforce it accordingly. It is preferred that no buildings are situated within a 6 metre stand-off of any overhead lines.
- 4.4 Hereford Nature Trust - no comments received
- 4.5 Wye Valley Area of Outstanding Natural Beauty Joint Advisory Committee - no comments received

Internal Council advice

- 4.6 Head of Engineering and Transportation has no objections, subject to the applicant entering into a section 278 agreement to ensure that the highway improvement works are carried out and conditions regarding the layout and form of the road within the site. The proposed development would appear not to affect the public footpath, however the right of way should remain open at all times at its historic width and throughout development, if it is perceived that this would not be possible a temporary closure order should be applied for.
- 4.7 Chief Conservation Officer advises that the proposal would not adversely affect the setting of the listed building, but raises concerns regarding the scheme itself, in that the house types in their detail and form do not pick up on local characteristics of the area. The proposal to retain as many of the existing trees as possible will help to screen the development. Full details of a landscape scheme, particularly for the eastern and southern boundary treatments and any new planting, will be required. Evidence from archaeological trial trenching on the site indicates that there are extensive remains of late Iron Age to Roman date on the site, such as might merit an objection to the proposal in accordance with PPG 16, section 27. However, having regard to the particular archaeological circumstances of this case, it is considered possible to achieve satisfactory 'preservation by record' by means of a condition (PPG16, sections 29-30). The purpose of the condition would be to ensure that a formal archaeological excavation takes places prior to development and any areas unsuitable, in the Council's opinion, for such prior excavation are subject to a subsequent archaeological watching brief.

- 4.8 Director of Education - The provided schools for this site are Walford Primary and John Kyrle High School. It is envisaged that there will be sufficient space at these schools to accommodate any children from the development. The level of housing will not require any new schools, but depending on the location, site, timing and type of housing additional investment at existing schools is likely to be required. A financial contribution per dwelling is suggested.
- 4.9 Head of Environmental Health - No objections, the capacity of the mains sewer and its ability to cope with the proposed increase in outflow from the site requires further investigation to safeguard against any surcharge of effluent. The historical activities of the site are unclear, it appears that some fuel or chemical (chloros) storage may have taken place. A condition is recommended relating to possible contamination.

5. Representations

5.1 Walford Parish Council:

The Parish Council held a public site meeting attended by 26 people. The residents of Fowbridge Gardens were particularly vociferous in their objections to the plan.

The Parish Council still objects to housing at this site mainly because:

- 1) of a government recommendation that new housing should not be encouraged near overhead power lines (C48.2,3,28)
 - 2) the danger of causing more flooding in this area and further downstream from increased run-off of storm water (GD1 xvi; C45, C47, C480) despite the land provided for any necessary water retention
 - 3) there is little infrastructure such as shop, public hall, playspace or employment opportunities, and new local children have been refused admission to the school
 - 4) there were also objections to the concomitant increase in traffic on the already overloaded B4234 into Ross passing the access point of a proposed even larger housing development
 - 5) no lower-priced or for rent houses are included in the scheme. There is no proven need for more large houses in the parish from existing parish residents since so many have been recently built (e.g. in Cedar Grove and Alder Grove). There is a felt need for more sheltered single storey dwellings and one-bedroom starter homes
 - 6) it was considered that the access road would be too narrow to permit both parking outside the existing dwellings and safe passing of cars to the new dwellings
 - 7) the design of the proposed very urban houses does not fit well into the area with its AONB status.
- 5.2 The applicants submitted a Flood Risk Assessment and Phase I and II Environmental and Geotechnical Assessments with the application.
- 5.3 Sixteen letters of objection have been received, six of these being from residents of Fowbridge Gardens, with the remaining letters from local residents of Coughton, Walford and Bulls Hill. The main issues raised are:
- residents of Fowbridge Gardens, which is warden controlled, are all senior citizens some of whom are mentally and physically impaired and are entitled to peace and quiet in our later years. Proposal will adversely affect the quality of life of residents due to noise, vehicular dangers and loss of privacy, both during construction phase and for years thereafter.

- Do not want building trucks, dust, dirt clogging our living area, more cars driving in and out of the site, or noise from children so close to us.
- Do not want wildlife destroyed, such as bats, rabbits, foxes and badgers.
- Will the Council listen to our concerns for ourselves and wildlife or take the side of those in the greedy and rich building trade and line their pockets?
- Junction of Fowbridge Gardens and the main Walford Road is dangerous and does not meet the standard highway criteria of a 70 metre visibility splay. To achieve this would entail major engineering works to the main road, which is fast and heavily utilised. It is suspected that there will be up to 80 to 100 journeys using this junction from Fowbridge Gardens every day, in comparison with the 8 journeys carried out today by residents and deliveries.
- Vast improvements should be made regarding speed restrictions on the Walford Road if extra vehicles will be accessing it. The Walford Road has high traffic levels and the school is alongside the main road. There is a need for cameras or lights just beyond Coughton Corner.
- Access to the site is too narrow for the amount of traffic that 9 houses will generate.
- Proposal is contrary to planning guidelines for this area. New development should be infill between houses on major roads. It is not a brown field site, as technically it has been abandoned, last use ceased around 12 years ago.
- Sewerage system is working at capacity, extra dwellings will place additional, unnecessary strain on the system, which may cause future problems for existing residents. When the wind is in the right direction you can smell it and need to close windows.
- School facilities are fully stretched, unlikely that there are enough places for extra children in the small village school. Two families who moved here in the last year could not get their children in to the school.
- Ross doctors lists are full up, there is no NHS dentist.
- No facilities one would normally expect with such development such as shops, post office or local pub close by. No shop or play area is proposed in the scheme. Scheme is socially divisive as it will not integrate new residents with the existing community.
- Pavement on the main Walford Road is narrow and non-existent in some places, not acceptable if more people will use it.
- Area is of particular beauty, within the Areas of Outstanding Natural Beauty and Great Landscape Value, and is of scientific interest, site would be better served as an undisturbed nature park. Development should be refused on the grounds that it is in the Area of Outstanding Natural Beauty alone.
- Site is susceptible to flooding from the nearby stream and is water logged in the wet weather. Building houses would reduce the areas of flood plain and this is acknowledged to be environmentally unacceptable as it has the danger of shifting the flooding problem elsewhere.
- High voltage electricity cables cross the site, with pylons nearby.
- Land was leased to the Water Board on the proviso that it would return to agricultural land. If this is so the application must automatically fail.
- Experience problems with electricity failures, more houses would make this worse.
- Proposed houses show little respect to existing single storey housing.
- Understand that toxic substances/contamination has been found on the site, there will need to be full treatment before ground works are permitted. If decontaminated the site level would be very close to the top of the water table.
- Better option would be for more sheltered accommodation.
- Poor public transport in the area and to and within Ross-on-Wye.
- No shortage of houses, some only used in part and four trying to sell.
- This type of development encourages commuter occupiers, they are not part of the community.

- Dwellings proposed would overlook Greenways, invading the privacy of the owner/occupiers.
- Proposal would destroy the character of the settlement and create an unacceptable urbanisation in the AONB. High density development is proposed, with small gardens and little space or amenity.

The full text of these letters can be inspected at Southern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The main considerations in the determination of this application are the principle of residential development of site, the impact upon the highway, the effects on flooding, drainage, archaeology, landscape, residential amenity and the suitability of the layout and design of dwellings.
- 6.2 The site lies within the larger settlement of Coughton, as defined in the Local Plan, and as such Policies H18 and H16A of the Structure Plan and SH8 of the Local Plan apply. These policies state that new residential development will normally be permitted subject to compliance with specified criteria. Furthermore the site lies within the main village of Walford (Coughton) in the first deposit draft of the Unitary Development Plan and constitutes previously developed land under the definition set out in Annex C of PPG3 – Housing. Representations have been received in respect of the principal policies of the Unitary Development Plan relating to this proposal and therefore in accordance with PPG1, section 48 only limited weight can be afforded to them. There are existing dwellings lying immediately to the north and west of the site boundaries with agricultural land to the east and south. With regards the planning history of the site there were no conditions on any of the planning permissions pertaining to the Water Board's use of the site that it should return to agricultural use should their use cease. Rather the permission in 1976 stated that the permission would only enure for the benefit of the applicants and not for the benefit of the land or any other persons interest in it. Therefore the principle of the residential use of the site is considered to be acceptable.
- 6.3 The proposal includes works to the publicly maintained highway (B4234) to improve the visibility both to the northeast (towards Ross-on-Wye) and to the southwest (towards Walford). In assessing the suitability of the access the likely generated vehicular movements from the former Water Board depot use of the site have been taken into account. The scheme would provide a visibility splay of 2.4 metres by 105 metres, to the edge of the carriageway, in a northeasterly direction and 2.4 metres by 60 metres in a southwesterly direction. The visibility to the centre line of oncoming traffic from the southwest would be 2.4 metres by 104 metres. The Transportation Manager has advised that the proposed visibility splays would be acceptable for the nine houses proposed together with the existing use of the junction. Furthermore the visibility sight lines at the junction of Walford Road/Cedar Drive and Walford Road/Coughton Place would not be adversely affected by the loss of the highway margin opposite the site access. Dropped kerbs, with tactile markings are considered necessary close to the bus shelter and adjacent to Cedar Grove and the site access road. On this basis it is considered that the proposal would not be detrimental to highway safety and addresses the needs of other road users. By reason of its length and width and the number of new properties proposed it is considered that access road off the Walford Road to the site would be able to satisfactorily serve the development. It is considered that the access would be safe and the traffic that would be generated

by the proposal would not exceed the capacity of the local road network. Therefore it is considered that the proposal accords with policy T3 of the Local Plan. The highway modifications would need to be the subject to a section 278 agreement, between the developer and the Council.

- 6.4 The existing footpath to the northwest of numbers 1 to 7 Fowbridge Gardens would be continued into the site. Public transport serves the village. Adequate off road parking would be provided within the site for each dwelling, with turning areas to enable vehicles to leave the site in a forward gear. It is considered that the proposal complies with the requirements of policies T12 and T15 of the Structure Plan and T1A, T3 and T4 of the Local Plan. The road layout complies with the Council's Highway Standards for the layout of new developments.
- 6.5 The proposed highway works would be adjacent to the southeastern site boundary of Walford House Hotel, a Grade II listed building. The listed building occupies higher ground levels than the road. Modern dwellings lie to the north, west and south of the listed building. Taking these factors into account together with the existing alignment of the road and the relatively modest modifications proposed it is considered that the proposal would not adversely affect the setting of the listed building. The proposed dwellings would lie some 100 metres from the listed building and would be visually separated by the road and Fowbridge Gardens. Therefore the residential development would not affect the setting of the listed building.
- 6.6 The site lies within land identified as being liable to flooding and many of the objectors have raised this issue. Some 45 metres from the south of the site boundary lies a watercourse (Castle Brook) that is a tributary of the River Wye. The Environment Agency has advised that they are satisfied by the submitted Flood Risk Assessment. The proposal would marginally reduce the impermeable area of the site, taking into account the areas of hard standing remaining from the previous use. The Environment Agency recommends that the finish floor levels of the dwellings are set no lower than 36.820 above Ordnance Datum, which is only slightly above the existing site levels, and that conditions are attached to any planning permission regarding surface water drainage. In addition given the previous land use of the site it may be contaminated and a risk assessment should be completed. Conditions are recommended regarding the required level of investigation and requiring remediation measures, in accordance with a method statement, to be carried out.
- 6.7 It is proposed to connect the dwellings to the existing mains foul sewerage system. This accords with the requirements of policy C43 of the Local Plan. The Environment Agency has no objection to this, in line with the advice in Circular 3/99. Welsh Water recommend conditions to prevent surface water and land drainage run-off entering the public sewerage system to prevent its overload. The public sewer crosses the southeastern corner of the site and the water main runs beneath the access adjacent to Fowbridge Gardens. As they are not within areas subject to proposed development there would be no adverse impact. With regards the water supply to the site Welsh Water raise no objections.
- 6.8 Subsequent to the submission of the application and at the request of the Council the applicants have commissioned the undertaking of archaeological trial trenching of the site. This has revealed evidence that indicates that there are extensive remains of late Iron Age to Roman date on the site. Such finds are not of national importance, but are of local importance. The Chief Conservation Officer has advised that having regard to the particular archaeological circumstances of this case, it is considered possible to achieve satisfactory 'preservation by record' by means of a condition. The condition would ensure that a formal archaeological excavation takes place prior to the

development of the houses and any areas which are unsuitable, in the Council's opinion, for such prior excavation would be subject to a subsequent archaeological watching brief. It is considered that the proposal, and imposition of the suggested condition would accord with policies CTC5 of the Structure Plan and C32 and C34 of the Local Plan and the principles of PPG15.

- 6.9 Taking into account the size of the houses proposed it would appear likely that some or all of them would provide homes for families with children. In light of the Director of Education's advice consideration has been given to the payment of a commuted sum. The legal requirements for the validity and materiality of planning agreements as established in case law and the advice given in Circular 1/97 have been considered. It is considered that the payment to provide additional investment at the schools is necessary, it directly relates to the proposed development and would provide a community benefit. It is recommended that the applicants enter into a section 106 legal agreement to this effect. The payment would be a fixed sum based on the number of houses.
- 6.10 On the basis of the information provided by Aquilla it is considered that in respect of potential health risks there is no objection in principle to the residential use of the site. The applicants have advised that it is their intention to re-route the 11,000 volt cables beneath the ground and have suggested that signs and restrictive covenants could be used to prohibit activities such as kite flying underneath the 132,000 volt cables. Having sought advice it is considered that the Council would not wish to adopt a public open space beneath the high voltage cables. However in accordance with policies SH15, R3B and R3C of the Local Plan an area of open space should be provided. The area proposed, to the southeastern corner of the site, meets the requirements of the policies. Even if the land is not a public open space it cannot be developed and arrangements need to be made for its use, landscaping and maintenance. It is therefore recommended that a condition be imposed requiring a management plan for the open space to ensure it is provided prior to the first occupation of any of the dwellings and is retained and maintained in perpetuity. Aquilla's advice confirms that the development should not have a negative effect on the electricity supply to existing dwellings in the vicinity.
- 6.11 The site lies in the Wye Valley Area of Outstanding Natural Beauty and Area of Great Landscape Value. Development in such designated areas is not precluded by Development Plan policies and the principle of residential development of the site is accepted by virtue of it being within the settlement boundary. However policies CTC1 and CTC2 of the Structure Plan and C5 and C8 of the Local Plan require development to be of a high standard of design, which would either enhance or have a minimal adverse impact upon the special scenic quality of the landscape. Furthermore as set out in PPG3 – Housing, new housing development should not be viewed in isolation, but rather have regard to the landscape, local street patterns and spaces, building traditions etc.
- 6.12 The site is well screened and would be read in close proximity to existing residential development. Whilst in principle two storey, detached dwellings are considered acceptable on the site it is considered that the proposed dwellings would not be of a scale, mass or design that reflects local vernacular. As proposed the dwellings would have shallow roof pitches (25 degrees), rather squat gables and varying fenestration sizes and designs. Negotiations are taking place with the applicants to achieve satisfactory revisions to the scale, mass and design of the dwellings. Subject to the receipt of amended plans for dwellings of a design that would be appropriate to the rural location of the site it is considered that the proposal would not adversely affect the

character and appearance of the Area of Outstanding Natural Beauty or the Area of Great Landscape Value.

- 6.13 The proposed dwellings would be situated to the east of Fowbridge Gardens, which are single storey dwellings. Plot 9 would lie in closest proximity to numbers 9 and 10 Fowbridge Gardens and would be sited 12.5 metres from their rear elevation. An attached double garage is proposed on the western elevation of Plot 9, so the nearest part of the building would be single storey, with the two storey section being some 17 metres away. In light of the distance between the dwelling and its orientation to the southeast of the rear of Fowbridge Gardens the proposal would not have an overshadowing or overbearing impact. No windows are proposed in the side elevation of Plot 9 and a condition could be imposed to prevent new openings being inserted under permitted development rights. It is considered that the likely traffic trips that would be generated by the occupants of nine houses would not materially impact upon the amenity of the residents of Fowbridge Gardens. With regards the impact upon the amenity of the properties to the north of the site, the proposed dwellings, plots 1 to 6, would be some 32 to 29 metres from their rear elevations. It is considered that two storey dwellings would not unacceptably overbear, overshadow or impinge upon privacy at these distances.
- 6.14 It is inevitable that during the course of construction some degree of noise and dust would result. It is considered that this in itself would be insufficient grounds to justify refusal and could be controlled by Environmental Health legislation.
- 6.15 No affordable housing can be required on the site because the scheme is for less than ten properties. Whilst a higher density scheme could be accommodated on the site due to the highway issues more houses would not be acceptable.
- 6.16 In conclusion the principle of development is acceptable and subject to conditions it would not adversely affect highway safety, flooding, drainage, archaeology or residential amenity. Further negotiations in respect of housing design are necessary to ensure the proposal would be in keeping with the rural location and thus not harmful to the Areas of Outstanding Beauty and Great Landscape Value.

RECOMMENDATION

That subject to the receipt of satisfactorily revised drawings with regard to the house designs:

- 1) The County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 with regard to financial contributions to off-site education provision and any other matters and terms as considered appropriate.**
- 2) Upon completion of the aforementioned planning obligation that the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary by officers.**

1 A01 (Time limit for commencement (full permission))

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2 A09 (Amended plans)

Reason: To ensure the development is carried out in accordance with the amended plans.

3 B01 (Samples of external materials)

Reason: To ensure that the materials harmonise with the surroundings.

4 H11 (Parking - estate development (more than one house))

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

5 Prior to the occupation of any of the dwellings the highway works as set out on drawing TTB02519/01/P3 shall be carried out.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

6 H18 (On site roads - submission of details)

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.

7 H21 (Wheel washing)

Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety.

8 H27 (Parking for site operatives)

Reason: To prevent indiscriminate parking in the interests of highway safety.

9 Floor levels of any buildings shall be at 36.820 m above ordnance Datum (or as otherwise agreed in writing by the local planning authority in consultation with the Environment Agency).

Reason: To protect the development from flooding.

10 Prior to development on site, approval of details of siting of any buildings and infrastructure including existing and proposed ground levels, shall be submitted and approved in writing and thereafter implemented in accordance with the approved plans.

Reason: To prevent the increased risk of flooding.

11 No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage has been submitted to and approved in writing by the local planning authority. Such a scheme shall be implemented in accordance with the details approved by the local planning authority prior to the construction of any impermeable surfaces draining to the system.

Reason: To prevent the increased risk of flooding.

12 Development approved by this planning permission shall not be commenced unless:

- a) desk top study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. And using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and reception has been produced.
- b) A site investigation has been designed for the site using the information obtained from the desk top study and any diagrammatical representations (Conceptual Model). This should be submitted to, and approved in writing by the local planning authority prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:
 - a risk assessment to be undertaken relating to the receptors associated with the proposed new use, those uses that will be retained (if any) and other receptors on and off the site that may be affected, and
 - refinement of the Conceptual Model, and
 - the development of a Method Statement detailing the remediation requirements.
- c) The site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment undertaken.
- d) A Method Statement detailing the remediation requirements using the information obtained from the Site Investigation has been submitted to the local planning authority. This should be approved in writing by the local planning authority prior to that remediation being carried out on the site.

Reason: To ensure that the proposed site investigations and remediation will not cause pollution of the environment or harm to human health.

13 The development of the site should be carried out in accordance with the approved Method Statement.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and harm to human health.

14 If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with and from the date of approval the addendum(s) shall form part of the Method Statement.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and harm to human health.

- 15 Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

Reason: To protect the environment and prevent harm to human health by ensuring that the remediated site has been reclaimed to an appropriate standard.

- 16 Foul water and surface water discharges must be drained separately from the site.

Reason: To protect the integrity of the public sewerage system.

- 17 No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

- 18 No land drainage run-off will be permitted, either directly or in-directly, to discharge into the public sewerage system.

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

- 19 The proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No part of the building will be permitted within 3 metres of the line of the public sewer.

Reason: To protect the integrity of the public sewer and avoid damage thereto.

- 20 D01 (Site investigation - archaeology)

Reason: To ensure the archaeological interest of the site is recorded.

- 21 G01 (Details of boundary treatments)

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

- 22 G02 (Landscaping scheme (housing development))

Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.

- 23 G03 (Landscaping scheme (housing development) - implementation)

Reason: To ensure a satisfactory and well planned development and to preserve and enhance the quality of the environment.

24 E17 (No windows in side elevation of extension)

Reason: In order to protect the residential amenity of adjacent properties.

25 Prior to the occupation of any dwelling a management plan, to include proposals for the long term design objectives, management responsibilities and maintenance schedules in perpetuity, for the area of open space shall be submitted to and approved by the local planning authority. The management plan shall be carried out as approved.

Reason: In order to ensure that the use and maintenance in perpetuity of the open space is assured.

26 None of the dwellings hereby permitted shall be occupied until the area shown on the approved plans as open space have been laid out and completed in accordance with the approved plans. This area shall not thereafter be used for any purpose other than open space and it shall at all times in perpetuity be available for that use.

Reason: In order to ensure that the open space is available for the use of occupiers of the dwellings.

Informatives:

- 1 HN01 - Mud on highway**
- 2 HN04 - Private apparatus within highway**
- 3 HN05 - Works within the highway**
- 4 HN07 - Section 278 Agreement**
- 5 HN08 - Section 38 Agreement details**
- 6 HN09 - Drainage details for Section 38**
- 7 N15 - Reason(s) for the Grant of Planning Permission.**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

11 DCSE2003/3061/F - PROPOSED DETACHED DOUBLE GARAGE AND REPAIR TO OUT-BUILDING AT KILN GREEN COTTAGE, WALFORD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5RE

For: Mr J. Williams, Kiln Green Cottage, Walford, Ross on Wye, Herefordshire HR9 5RE

Date Received: 9th October 2003 Ward: Kerne Bridge Grid Ref: 60062, 19829

Expiry Date: 4th December 2003

Local Member: Councillor Mrs R Lincoln

1. Site Description and Proposal

1.1 This small cottage is situated at the northern end of a sizeable plot that adjoins the west side of the unclassified road at Kiln Green. The cottage has been extended and modernised since 1995, with a new access formed, roughly centrally along the frontage.

1.2 The current proposal is for a double garage, about 7.25 m long x 4.9 m wide x 3.85 m to ridge. It would be sited close to the western boundary of the site and opposite the vehicular access. The garage would be of blockwork construction, rendered externally, except for the front elevation which would be stone-faced. The roof would be manufactured slates (blue/black). In addition the external w.c. would be re-built. Little remains of the original structure, which occupied the northern apex of the plot. The new w.c. would be 3 m x 2 m x 2.9 m to ridge. This would be re-built using the existing stone with a natural slate roof, to provide a w.c. for a disabled person.

2. Policies

2.1 Hereford and Worcester County Structure Plan

Policy H20	Housing in Rural Areas
Policy CTC1	Area of Outstanding Natural Beauty
Policy CTC2	Area of Great Landscape Value

2.2 South Herefordshire District Local Plan

Policy SH23	Extensions to Dwellings
Policy C5	Development within Areas of Outstanding Natural Beauty
Policy C8	Development Within Area of Great Landscape Value
Policy GD1	General Development Criteria

2.3 Herefordshire UDP (Deposit Draft)

Policy H18	Alterations and Extensions
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3. Planning History

- 3.1 SH940423PF New access - Permitted 24.5.94
SH950405PF Improvements and alterations - Permitted 18.7.95

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non statutory consultations required.

Internal Council Advice

- 4.2 Head of Engineering and Transportation recommends conditions if permission is granted.

5. Representations

- 5.1 Parish Council does not object to the building of the garage, but would prefer to see it in a less dominant position nearer the house and totally stone-faced. Although there were no plans submitted for the outbuilding, there were no objections to its repair if the footprint and height are the same as those of the original building.

- 5.2 One letter has been received from Kiln Green House objecting to the proposal on the following grounds:

- 1) the proposed siting in the middle of the site, a good way from the cottage will prove to be obtrusive
- 2) unnecessary to site so far from the cottage in what is an open space and the building will detract from the character of the surrounding area
- 3) will be clearly seen from neighbours gardens and from adjacent roadway which with the likelihood of parked cars being seen from the road, would make the whole site untidy and out of keeping with the landscape in an AONB
- 4) sited closer to the house it would be much less obtrusive and fit better into the site as a whole.

The full text of these letters can be inspected at Southern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The garage is somewhat deeper at 7.25 m than the more typical 6 m for a double garage but is narrower (4.85 m rather than 6 m). This makes for a more attractive shape. The materials and design complement the existing stone cottage and other houses in the vicinity. It is accepted however that the location of the garage is not ideal. Moving it closer to the cottage would be preferable, though it is not considered that the garage needs to be immediately next to the cottage. It is considered that this can be required by planning condition. The appellant has accepted in principle a revised siting. The large garden area is only partly cultivated leaving the bulk of the site unkempt. A landscaping condition requiring additional planting would help to integrate the garage into the site. There is existing planting along the western boundary of the site which would help to screen the garage from that direction. On this

basis it is not considered that the proposal would cause significant harm to the natural beauty of this part of the AONB.

- 6.2 As noted above there is little remaining of the external w.c. but it is doubted whether it was of the size of the building now proposed. Nevertheless the building would be small and of traditional materials and would not be intrusive in the proposed location.
- 6.3 The new access has limited visibility because of the existing hedgerows. Improvements to visibility could be required by planning conditions.

RECOMMENDATION

That subject to the receipt of suitably amended plans, the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary by officers:

1 A01 (Time limit for commencement (full permission))

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2 B01 (Samples of external materials)

Reason: To ensure that the materials harmonise with the surroundings.

3 Notwithstanding the submitted site plan the location of the garage shall not be as shown but in accordance with a plan to be submitted to and approved in writing by the local planning authority.

Reason: To protect the visual amenities of the area.

4 G04 (Landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

5 G05 (Implementation of landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

6 F48 (Details of slab levels)

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.

7 Before the garage is brought into use visibility of the access to the highway shall be improved in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

8 H14 (Turning and parking: change of use - domestic)

Reason: To minimise the likelihood of indiscriminate parking in the interests of highway safety.

Informative(s):

1 N15 - Reason(s) for the Grant of Planning Permission.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

12 DCSE2003/2649/O - RENEWAL OF PLANNING PERMISSION SE2001/0906/O SITE FOR SINGLE STOREY DWELLING AT LAND AT UPTON CREWS, NEAR ROSS-ON-WYE, HEREFORDSHIRE

For: Mr & Mrs J.A. Watkins, Ellbrook House, Linton, Ross on Wye, Herefordshire HR9 7SR

Date Received: 1st September 2003 Ward: Old Gore Grid Ref: 64558, 27187

Expiry Date: 27th October 2003

Local Member: Councillor J W Edwards

1. Site Description and Proposal

- 1.1 This site at Upton Crews flanks the north eastern side of the unclassified road No. 70003 which leads out from the centre of this small settlement in a north westerly direction. The site itself is a small strip of land fronting onto the road with two existing dwellings on either side. The site forms part of a large field which extends out to the rear and slopes down in towards the north east. There is an existing hedgerow on the roadside boundary.
- 1.2 The proposal is an outline application to renew a previous/existing outline planning permission ref. no. SE2001/0906/O granted on 27th June 2001. The details/matters relating to the siting of the dwelling on the site have been submitted for consideration at this stage.

2. Policies

2.1 Planning Policy Guidance

PPG1	General Policy and Principles
PPG3	Housing
PPG.7	The Countryside: Environmental Quality and Economic & Social Development

2.2 Hereford and Worcester County Structure Plan

Policy H16A	Development Criteria
Policy H18	Residential Development in Rural Settlements
Policy H20	Residential Development in Open Countryside
Policy CTC9	Development Criteria

2.3 South Herefordshire District Local Plan

Policy GD1	General Development Criteria
Policy C1	Development Within Open Countryside
Policy C43	Foul Sewerage
Policy SH10	Housing in Smaller Settlements
Policy T3	Highway Safety Requirements
Policy T4	Highway and Car Parking Standards

2.4 Herefordshire UDP (Deposit Draft)

Policy S2	Development Requirements
Policy S3	Housing
Policy H6	Housing in Smaller Settlements
Policy H16	Car Parking

3. Planning History

- 3.1 SS980964PO Site for 4-bedroomed detached house - Refused 22.12.98
- SE2001/0906/O Site for erection of single storey dwelling - Outline Permission 27.06.01

4. Consultation SummaryStatutory Consultations

- 4.1 The Environment Agency has no comment to make.
- 4.2 Dwr Cymru - Welsh Water advise that certain conditions and notes relating to drainage be included in any permission. Also there are no foul/surface water sewers in the immediate vicinity and it is therefore likely that off-site sewers will be required to connect to the public sewerage system.

Internal Council Advice

- 4.3 The Head of Engineering and Transportation (Divisional Engineer) recommends that any permission includes certain conditions.

5. Representations

- 5.1 Two letters of support have been submitted by the applicants. The main points being:
- ask that planning application be considered against those same policies which allowed for a dwelling to be approved over two years ago
 - the submitted evidence showed that there was a local housing requirement for a house and there is no reason to believe that this conclusion should be changed
 - over last two years energies had to be diverted to restructuring of applicants' farms activities. The resubmission of the application is to allow for more time to submit a detailed application
 - enclose three letters from local people expressing an interest in the plot. Three letters from persons in Gorsley and Linton were attached with the latest letter.
- 5.2 An agent acting on behalf of the applicants has submitted two letters of support. The main points being:
- substantial evidence was provided in previous application for local housing requirement for this dwelling. This requirement has continued and two letters from local estate agents are attached supporting this fact

- reaction from Planning Inspectors in appeals to Policy SH10 is that the Policy could not be practically and realistically disaggregated from the District-wide housing land availability findings. No explanation as to what constitutes 'local housing requirements'
 - Counsel has advised the Council that the need to define local housing needs in Policy SH10 is not a strong one
 - there exists a local housing requirement for this dwelling
 - the applicants merely wish to extend life of the outline permission
 - the applicants own all the land to which the original outline planning permission relates, but have no objections to the site being amended to omit small wedge of land on the south western corner
 - enclose a list of potential purchasers of the building plot, held by Jonathon Preece Estate Agent, most of which live in or adjacent to Upton Bishop Parish
 - paragraph 60 of Circular 11/95 which states that applications for the renewal of planning permission should be refused only where there has been a change in the material consideration, the continued non-implementation of a permission leads to unacceptable uncertainty and the application is premature, unless the Council can demonstrate that one of these three scenarios applies to this application then the onus is upon it to justify any refusal reasons
- Two letters from estate agents stating that there is a strong demand for houses in the Upton Bishop area and also a list of 38 names of potential purchasers for dwellings (held by an estate agent) ere enclosed with these letters.

5.3 The Parish Council observe:

This Council continue to strongly oppose this development for the reasons stated in the minutes of May 2001 and submitted to CHDC at the time of the original application. The Council are not satisfied that the conditions made on the original permit address the problems of developing this site.

Previous comments referred to are as follows:

Strongly object to application, commenting

- 1) location in open country, contrary to planning policy
- 2) prominent position on ridge
- 3) highways concerns: busy road junction in close proximity
: site too narrow for visibility splay
- 4) details incorrect
 - (i) "part of residential curtilage" - this land has always been a paddock
 - (ii) para 12B: foul water cannot be routed into mains sewer - there isn't one.

5.4 Two letters of objection have been received from PD Holland, Church Cottage, Upton Bishop, Herefordshire HR9 7UL and Mr P F Fray, Keepers Cottage, Upton Bishop, Herefordshire HR9 7UE (the latter included previous letters of objection). The main points being:

- if permission to renew is granted then all the conditions attached to the original application must hold good especially in the interests of highway safety
- various inaccuracies in application
- a new access to site was made but never been used regularly
- no mains sewer in Upton Bishop
- the area was formerly designated as a pony paddock to 'Courtfields' and should not have been curtilage

- the proposal is for a single storey dwelling and not a 4-bedroom house
- a previous permission was granted despite local objections
- the inaccurate site plan meant that position of the property left room for a possible 'infill' development
- Mr Watkins lived in house for 3-4 years before selling it
- the house at Upton Bishop was sold on open market but without pony paddock
- the property is situated on skyline
- will result in three drives within 25 metres of turning to Mulhampton Lane
- visibility from site very bad
- privacy of other householders will be affected
- flagrant attempt to circumvent planning principles. The previously built house was sold and the section of land (site of current application) was retained to form an 'infill' site. This shows complete disregard and disrespect for the planning authority.

The full text of these letters can be inspected at Southern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The main issues with respect to this outline application relates to the fact that this is a renewal of outline planning permission previously approved (ref. No. SE2001/0906/O) and whether there are any changes to the material planning considerations of the case. The site is within the smaller settlement of Upton Crews where Policy SH10 of the SHDLP directly relates. This policy essentially requires that any new housing development is small scale, within the existing boundary of the settlement, in keeping with the scale and character of the area and has a safe access. In addition the proposal will only be permitted where it can be clearly demonstrated that the development would help satisfy local housing requirements.
- 6.2 The application is almost identical to the previous outline application which was approved on 27th June 2001. The only difference being the omission of a small triangular section on the southern corner to reflect the shape of the site.
- 6.3 The proposed siting of a single storey dwelling on this site will constitute an acceptable infill plot within the settlement. It should be possible to design such a dwelling in the position proposed so as not to be out of keeping with the visual amenities and character of the settlement and the surrounding landscape and so as not to adversely affect the residential amenities of the neighbouring dwellings.
- 6.4 The applicants and their agent have submitted letters and details from estate agents i.e. list of names and addresses, showing that there are a number of people in the area who are looking for dwellings in the locality. It is considered that these details are sufficient to show that there is a current local housing requirement in the area and that the proposal complies with this aspect of Policy SH10 in the SHDLP.
- 6.5 The objectors refer to the fact that an infill site was artificially created when the adjacent dwelling immediately to the north west was built and part of the site was retained when the property was sold. However it does not appear that any planning matters were infringed by this action.
- 6.6 There have been objections relating to the means of access. However planning permission was granted for a new vehicular access in the previous outline planning

permission subject to certain conditions. In this current application the Head of Engineering and Transportation has recommended that any permission includes certain conditions. However the details relating to means of access have not been submitted in this application and as such it is not considered appropriate at this stage to impose highway conditions on any new outline planning permission.

- 6.7 The proposal is for foul water to be disposed of by mains sewer. Dwr Cymru – Welsh Water have advised that there are no foul/surface water sewers in the immediate vicinity and therefore it is likely that off site sewers will be required to connect to the public sewerage system. As such it is considered that any permission granted should include a condition requiring details of the proposed foul and surface water drainage arrangements to be submitted for approval.
- 6.8 In conclusion it is considered that a sufficient case has been made by the applicant to show that there is a local housing requirement in the local area. The proposed development is considered to be acceptable and in accordance with the planning policies for the area, in particular Policy SH10 of the SHDLP. The objections of the neighbours have been noted but are not considered to be sufficient to refuse the renewal of this outline planning permission.

RECOMMENDATION

That outline planning permission be granted subject to the following conditions:

- 1 A02 (Time limit for submission of reserved matters (outline permission))**
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
- 2 A03 (Time limit for commencement (outline permission))**
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
- 3 A04 (Approval of reserved matters)**
Reason: To enable the local planning authority to exercise proper control over these aspects of the development.
- 4 A05 (Plans and particulars of reserved matters)**
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
- 5 F18 (Scheme of foul drainage disposal)**
Reason: In order to ensure that satisfactory drainage arrangements are provided.

Informative(s):

- 1 Dwr Cymru - Welsh Water advises:**

There are no foul/surface water sewers in the immediate vicinity. It is therefore likely that off-site sewers will be required to connect to the public sewerage system.

If a connection is required to the public sewerage system, the developer is advised to contact the Dwr Cymru - Welsh Water's Network Development Consultants on Tel: 01443 331155.

2 N15 - Reason(s) for the Grant of Planning Permission.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

13 DCSE2004/0085/F - TWO STOREY SIDE EXTENSION AND SINGLE STOREY REAR EXTENSION AT KYRLES CROSS, PETERSTOW, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6LD

For: Mr & Mrs Nightingale per A Wadley MBIAT, Hillview, Gloucester Road, Upleadon, Newent, GL18 1EJ

Date Received: 9th January 2004

Ward: Llangarron

Grid Ref: 56382, 24147

Expiry Date: 5th March 2004

Local Member: Councillor Mrs J A Hyde

1. Site Description and Proposal

- 1.1. This site, located to the south of Peterstow just outside the village settlement boundary, flanks the eastern side of the unclassified road no. 71014 which runs southwards out of the village towards Wilson and then Glewstone. The site contains a single dwelling set in a large garden. The dwelling is part red brick, part render with brown plain tiles on the roof. There are two existing dwellings to the north of the site and four dwellings to the south west. There are fields to the south and east of the site and also to the west.
- 1.2 The proposal involves the erection of a two-storey extension at the north eastern end of the dwelling (which includes new dormer windows to the front and back) to replace an existing flat-roofed garage and utility area. The proposal also involves a small single storey enlargement at the back of the dwelling, a new pitched roof over the flat roofed porch and w.c. at the front and also tile hanging on the existing external walls at first floor level. The new brickwork and roofing tiles will match those on the existing dwelling.

2. Policies

2.1 Planning Policy Guidance

PPG.1 General Policy and Principles

2.2 Hereford and Worcester County Structure Plan

Policy H16A	Development Criteria
Policy H20	Residential Development in Open Countryside
Policy CTC1	Development in Areas of Outstanding Natural Beauty
Policy CTC9	Development Criteria

2.3 South Herefordshire District Local Plan

Policy GD1	General Development Criteria
Policy C1	Development Within Open Countryside
Policy C5	Development within AONB

Policy SH23	Extensions to Dwellings
Policy T3	Highway Safety Requirements

2.4 Herefordshire UDP (Deposit Draft)

Policy S2	Development Requirements
Policy DR1	Design
Policy H18	Alterations and Extensions
Policy LA1	Areas of Outstanding Natural Beauty

3. Planning History

- | | | | | |
|-----|------------|--|---|---------------------|
| 3.1 | 6130 | Erection of a dwellinghouse and garage | - | Permission 23.08.56 |
| | SH920982PF | Ground floor extension | - | Permission 25.08.92 |

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non statutory consultations required.

Internal Council Advice

- 4.2 Head of Engineering and Transportation has no objection.

5. Representations

- 5.1 Peterstow Parish Council has no objections.
- 5.2 The Bridstow Parish Council (adjoining Parish) has no objections.
- 5.3 A letter of objection has been received from Mr N and Mrs J Powell, The Links, Peterstow, Ross on Wye, Herefordshire HR9 6LD. The main points being:
- the proposed extension is enormous, doubling the size of the original house
 - the proposed work is directly in line with views from objectors' living quarters
 - the objectors' sittingroom and conservatory will be overlooked. Detrimental effect on objectors' privacy.

The full text of these letters can be inspected at Southern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The main issues relate to the size and design of the proposed extensions and their relationship to the original dwelling, their effect on the landscape and the residential amenities of the neighbouring dwellings. The planning policies which are particularly relevant are Policies GD1 and SH23 in the Local Plan and Policies H16A and H20 in the Structure Plan.
- 6.2 The existing dwelling has previously been extended since the original dwelling was built. A single storey extension and a small greenhouse at the south western end of

the dwelling were erected, planning permission SH920982PF. Also a small flat roofed extension was built between the existing flat roofed garage and utility room which were both part of the original dwelling approved in 1956 ref. No. 6130.

- 6.3 The proposed extensions to the dwelling are considered to be acceptable and not out of keeping with the visual appearance and character of the original dwellinghouse. The original dwelling, both visually and in terms of mass, will remain the dominant feature of the resultant extended dwelling. The volume of the original dwelling will still be significantly larger than the proposed and existing extensions. As such the proposal will be in accordance with the provisions of the policies referred to in section 6.1
- 6.4 The objectors are concerned that their residential amenities will be adversely affected by the proposed development by reason of overlooking/loss of privacy and their view from their dwelling being affected. Whether or not their view from their house is affected is not a planning matter. The objectors' dwelling is also situated in a large garden and is set back from the applicants' house. As such it is considered that it is too far away to be adversely affected by the proposed development and there will be no adverse overlooking nor loss of privacy.
- 6.5 The proposed development is therefore considered to be acceptable and in accordance with the approved planning policies for the area.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 A01 (Time limit for commencement (full permission))**

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

- 2 A07 (Development in accordance with approved plans)**

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

- 3 B01 (Samples of external materials)**

Reason: To ensure that the tile hanging harmonises with the surroundings.

Informative(s):

- 1 N15 - Reason(s) for the Grant of Planning Permission**

Decision:

Notes:

Background Papers

Internal departmental consultation replies.

Document is Restricted

