

MINUTES of the meeting of Northern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 19 November 2008 at 2.00 p.m.

Present: Councillor JW Hope MBE (Chairman)
Councillor PJ Watts (Vice Chairman)

Councillors: LO Barnett, WLS Bowen, JP French, JHR Goodwin, KG Grumbley, B Hunt, RC Hunt, TW Hunt, P Jones CBE, PJ McCaull, R Mills, PM Morgan, A Seldon, RV Stockton, J Stone and JK Swinburne

69. APOLOGIES FOR ABSENCE

Apologies were received from Councillors TM James and RJ Phillips.

70. DECLARATIONS OF INTEREST

12. DCNC2008/2286/F - THE OLD FORGE, PENCOMBE, BROMYARD, HEREFORDSHIRE, HR7 4SH.
Councillor PM Morgan; Personal.

71. MINUTES

RESOLVED: that the minutes of the meeting held on 22 October 2008 be approved as a correct record and signed by the Chairman

72. ITEM FOR INFORMATION - APPEALS

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

73. DCNE2008/2357/F - LAND TO THE REAR OF THE HOMEND SERVICE STATION, THE HOMEND, LEDBURY, HEREFORDSHIRE, HR8 1BS.

Proposed terrace of seven dwellings and associated car parking

In accordance with the criteria for public speaking, Mr Bridges, the applicant's agent, spoke in support of the application.

Councillor PJ Watts, one of the Local Ward Members, commented that the drainage arrangements for the site would need to be carefully managed, as soakaways for projects on this scale have often been troublesome. He also asked whether the adjoining footpath could be retained and made available throughout construction. Finally, he asked how close the retaining wall would be to the proposed building and added that the wall should not be damaged during the construction process.

In response to the Local Member's questions, the Principal Planning Officer informed the committee that Severn Trent Water did not object to the drainage arrangements on the site and that it would be possible to connect it to the mains drainage system. He added that the applicant had indicated that the footpath would be retained both

during and after construction of the new houses, but that this could be complicated by HGV manoeuvres. Regarding the retaining wall, the Principle Planning Officer informed the committee that this was a matter for the building control section of Planning Services and advised that a geological assessment of the wall would be required. He said that the houses would be sited three metres from the retaining wall.

Councillor JK Swinburne, the other Local Ward Member, pointed out that although the number of dwellings in the proposal had been reduced from 13 to 7, the number of bedrooms had in fact increased which could result in a greater number of traffic movements. She felt that this would only exacerbate the high levels of traffic on nearby Knapp Lane. She added that the building's design had improved since the previously submitted application but the proposal, in her opinion, was still a very large single mass for one building with and had a larger footprint with less parking. Councillor Swinburne moved that the application be refused on the grounds of being excessively high and dense in mass and being inappropriate for the area.

In responding to Councillor Swinburne's concerns, the Principle Planning Officer advised that the height of the proposed houses would be in line with the eaves of the existing neighbouring properties. He also informed members that in the previously rejected application, transport issues had not been included in the reasons for refusal and at appeal the inspector made no mention of any traffic concerns. Since this appeal, the proposal had been reduced by one storey along with the overall mass.

In response to comments from a Member concerning the section 106 contribution asked for in the draft heads of term agreement, the Northern Team Leader was able to advise that monies were spent at local level where a need was identified. Some contributions, however, would be earmarked for projects on a more strategic basis for example a transportation contribution or a large sports facility.

Councillor RV Stockton commented that he felt the development would be more aesthetically pleasing if it were to be painted white. He also said that the Town Council had not objected to the development.

Councillor Swinburne's proposal, that the application should be refused, was put to the vote and was lost.

Members felt on balance that the changes made to the originally refused proposal now made the application more acceptable in terms of both size and design. The sub-committee therefore voted to approve the application.

RESOLVED

- 1 The Head of Legal Services be authorised to complete a planning obligation under Section 106 of the town and Country planning Act 1990 as set out in the draft Heads of Terms Agreement and deal with any other appropriate terms, matters or issues;**
- 2 Upon completion of the above-mentioned planning obligation officers named in the Scheme of delegation be authorised to issue planning permission 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** Prior to commencement of the development hereby permitted, written details and samples of the materials to be used in the construction of the external surfaces of the building hereby permitted shall be submitted to the Local Planning Authority for their written approval. The development hereby permitted shall not commence until the Local Planning Authority has given such written approval. The development shall be carried out in strict accordance with the approved materials and thereafter maintained as such.

Reason: To ensure a satisfactory appearance to the development.

- 3** No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping using indigenous species. The submitted scheme of landscaping must include details as to the location of all planting, the species, size and the density of planting.

Reason: To ensure that the development is satisfactorily integrated into the locality.

- 4** All planting, seeding, and turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of any of the dwellings hereby permitted or the completion of the development (whichever is the sooner). Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the development is satisfactorily integrated into the locality.

- 5** Prior to the first occupation of any of the dwellings hereby permitted the vehicular means of access, car parking, turning / manoeuvring area(s) for vehicles shall be fully implemented. Thereafter these areas shall be kept available for such use.

Reason: In the interests of highway safety and to encourage the use of modes of transport other than the private motor vehicle.

- 6** Prior to commencement of the development hereby permitted full details of all boundary treatments (i.e. walling, fencing, gates or other means of enclosure) shall be submitted to the Local Planning Authority for their written approval. The approved boundary treatments shall be fully implemented prior to the first occupation of any of the dwellings hereby permitted and thereafter maintained as such.

Reason: To ensure a satisfactory appearance to the development.

- 7** Prior to commencement of the development hereby permitted the following matters shall be submitted to the Local Planning Authority for their written approval: -

Full design and external appearance details (i.e materials) of the refuse and secure cycle parking / storage facilities

The development shall not commence until the Local Planning Authority has given such written approval. The development shall not be first occupied until the refuse stores and secure cycle parking / storage facilities have been fully implemented. Thereafter these facilities shall be maintained.

Reason: To ensure appropriate refuse storage facilities and secure cycle parking / storage facilities that encourage the use of modes of transport other than the private motor vehicle.

8 No development shall take place until the following has been submitted to and approved in writing by the local planning authority:

a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice.

b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors.

c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.

Reason: In the interests of human health.

9 The Remediation Scheme, as approved pursuant to condition 8 above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

Reason: In the interests of human health.

10 Development shall not begin until drainage details, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development have been submitted to and approved by the Local Planning Authority, and the scheme shall subsequently be implemented in accordance with the approved details before the development is completed / occupied.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce risk of creating or exacerbating

a flooding problem and to minimise the risk of pollution.

- 11 Prior to commencement of the development hereby permitted full details of a scheme of insulation against noise shall be submitted to the Local Planning Authority for their written approval. The submitted scheme of glazing and passive ventilation shall be provided which achieves or exceeds the level of performance described in paragraph 5 of the noise assessment: SLR REF: 402.0525.00006. The approved scheme shall be fully implemented prior to the first occupation of any of the dwellings hereby permitted and therefore maintained as such.

Reason: To ensure that the occupiers of the dwellings hereby permitted enjoy a satisfactory level of amenity.

INFORMATIVES:

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

2 N19 - Avoidance of doubt - Approved Plans

74. DCNE2008/1525/O - ELM COTTAGE, NEW STREET, LEDBURY, HEREFORDSHIRE, HR8 2EQ.

Site for two detached dwellings including formation of one new vehicular access, following demolition of existing single dwelling.

The Northern Team Leader reported that Severn Trent Water had written to advise that they had no objection to the development as plans submitted to them had adequate drainage provision in place. Two conditions could therefore be removed from the officers recommendations in the report. He said that the proposed section 106 agreement would be amended to ensure that monies raised would be spent locally where a need was identified, however some contributions would be earmarked for projects on a more strategic basis.

Councillors JK Swinburne and PJ Watts, two of the Local Ward Members, agreed that as the drainage issues seemed to have been addressed, the application should be approved.

RESOLVED

That planning permission be granted subject to the following conditions

- 1 A02 (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 and to secure compliance with policy DR1 of the Herefordshire Unitary Development Plan.

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 B07 (Section 106 Agreement)

Reason: In order to provide [enhanced sustainable transport infrastructure, educational facilities, improved play space, public art, waste recycling and affordable housing] in accordance with Policy DR5 of the Herefordshire Unitary Development Plan 2007.

6 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 and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan

7 H27 (Parking for site operatives)

Reason: To prevent indiscriminate parking in the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

8 H29 (Secure covered cycle parking provision)

Reason: To prevent indiscriminate parking in the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

9 I19 (Drainage in accordance with approved plans)

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policy DR4 of Herefordshire Unitary Development Plan.

Informatives:

1 N15 - Reason(s) for the Grant of PP/LBC/CAC

2 Planning obligations - Supplementary Planning Documents April 2008

75. DCNW2008/2462/F - CROSS COTTAGE, UPPER HILL, LEOMINSTER, HEREFORDSHIRE, HR6 0JZ.

Continued use of land as a yard for parking/storage of HGV and construction of steel framed storage building.

The Northern Team Leader advised Members that an additional letter of objection had been received from Mr Greene of Ivington Park Farm. He expressed concern over the building's prominence on the landscape and that it could be viewed easily from the adjoining footpath.

Councillor JHR Goodwin, the Local Ward Member, explained that the proposed development was to house an HGV servicing facility and that it was proposed to clad the building. He said that objections received from the Parish Council centred on the

proposed building being too far from the existing house. As the applicants had amended the plans to move the proposed development closer to the existing house, he felt that a compromise had been reached and concurred with the recommendations of the officers.

In response to a question, the Northern Team Leader said that this application, although on a farm, was not considered to be an agricultural building. He added that the application was brought before the sub-committee because objections had been received by local residents.

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 C01 (Samples of external materials)**
Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan
- 3 The use of the site and building hereby approved shall be limited to the operations of one Heavy Goods Vehicle only, by the applicant and for no other purpose.**
Reason: The Local Planning Authority would not be prepared to permit an expanded business in the open countryside, unsustainable location, close to the applicants own home.
- 4 The building hereby approved shall be dismantled and removed from the site upon cessation of this use by the applicant.**
Reason: The Local Planning Authority would not be prepared to permit this proposal in this location other than on the basis of the applicant personal need.
- 5 G10 (Landscaping scheme)**
Reason: In order to maintain the visual amenities of the area and to conform with Policy LA6 of Herefordshire Unitary Development Plan.
- 6 G11 (Landscaping scheme - implementation)**
Reason: In order to maintain the visual amenities of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.

Informatives:

- 1 N15 - Reason(s) for the Grant of PP/LBC/CAC**
- 2 N19 - Avoidance of doubt - Approved Plans**

76. DCNW2008/2309/F - THE BARN, THE FARM, AYMESTREY, LEOMINSTER, HEREFORDSHIRE HR6 9TH

Proposed conversion to four holiday lets.

The Senior Planning Officer advised that one additional letter of representation had been received. The letter stated objections to the proposed development in consideration of the amount of holiday units already in situation in the Aymestrey area. Concerns were also raised about public highway access from the site.

Further information had also been received from the Council's Transportation Manager stating that in accordance with Herefordshire Council's Highways Design Guide, trip rates and parking requirements for holiday houses are generally lower than similarly sized residential units. Even with trip rates generated as a result of the approved workshops, it was considered that sufficient parking space was provided on the site in consideration of the proposed development. Further comment was supplied stating that B1 use generates more trips than residential units, in consideration of the sizes proposed in accordance with TRICS database, an accepted industrial source.

In accordance with the criteria for public speaking, Mr Holland spoke in objection to the application and Mrs Smith, the applicant, spoke in support.

In response to a question from Councillor JP French, the Senior Planning Officer advised that no comments had been received from the Council's Tourism Officer regarding the application.

Councillor LO Barnett, the Local Ward Member said that she could envisage little benefit to the village of Aymestrey if the proposed development was to go ahead. She noted the views of the parish council and agreed that there was too much existing holiday accommodation in the village and therefore saw merit in refusing the application.

The Senior Planning Officer said that the application determined in 2001 gave permission for commercial/residential units to be constructed. This meant that currently their use was limited to live/work purposes for the resident only.

Councillor WLS Bowen asked whether an affordable housing needs assessment for the area had been undertaken and felt that there was already a large amount of existing holiday accommodation in the area.

Councillor JP French said that the sub-committee should do all it can to promote the concept of live/work units, so she was not inclined to support the proposed change of use.

The Northern Team Leader advised Members that it was not the job of planning services to judge the viability of the holiday let market so any potential grounds for refusal could not be based on over supply of holiday accommodation.

Councillor JK Swinburne suggested that proposed condition four of the officer's recommendations could be removed to allow the development to be used for residential accommodation, should the market dictate.

In response to Councillor Swinburne's comment, the Northern Team Leader advised that a marketing exercise would need to be carried out before the use was changed.

Members generally agreed that there was a large amount of holiday accommodation

in the area, but agreed that there were no planning reasons to refuse planning permission and therefore voted to allow the development

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 C02 (Matching external materials (extension))**
Reason: To ensure the external materials harmonise with the existing building so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan
- 3 F14 (Removal of permitted development rights)**
Reason: To ensure the character of the original conversion scheme is maintained and to comply with Policy HBA12 of Herefordshire Unitary Development Plan.
- 4 F30 (Use as holiday accommodation)**
Reason: In consideration of the business re-use of the development in order to comply with policies HBA12 and DR5 of the Herefordshire Unitary Development Plan.
- 5 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 and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan
- 6 H29 (Secure covered 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 and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

Informatives:

- 1 N15 - Reason(s) for the Grant of Planning Permission**
- 2 N19 - Avoidance of doubt - Approved Plans**
- 3 HN28 - Highways Design Guide and Specification**

[Note: In accordance with the Council's constitution standing order 5.10.2, Councillors WLS Bowen, JP French and PM Morgan wished it to be known that they abstained from voting in respect of the resolution above]

77. DCNC2008/2165/N - THE HORTONS, THORNBURY, BROMYARD, HEREFORDSHIRE, HR7 4NF.

Change of use of agricultural land to industrial erection of effluent treatment plant, access road and office/control building.

The Principal Planning Officer advised that a response from Bromyard Town Council had been received and after some discussion, the Town Council had resolved to support the application

Following a question raised by an objector, the applicant confirmed by email that the calculation of waste quantities to be treated per year would be: 253 working days @ 23 cubic metres per day = 5819 cu m per year. This was a correction to the figure given in the original submission. It would not affect the proposal to treat 23 cubic metres per working day.

In accordance with the criteria for public speaking, Mr Newitt spoke in objection to the application and Mr Parry, the applicant's agent, spoke in support.

Councillor TW Hunt, the Local Ward Member, said that very few objections had been received in respect of the application. Thornbury Group Parish Council had voted to support the development and Bromyard Town Council had been consulted. He added that similar schemes proved not to be odorous and suggested that the application be approved. He complimented the officer for such a comprehensive report especially considering that 26 policies had to be considered.

Councillor A Seldon said that the proposed facility fell in to a very highly regulated area of waste disposal and so concurred with the views of the Local Ward Member.

In response to a number on questions relating to transport and access arrangements, the Principal Planning Officer reported that there would be two tanker trips per day unless an emergency trip was needed. She said that the Council's Transport Manager raised no objections to the scheme and that the majority of waste for disposal would be locally produced.

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 B01 (Development in accordance with the approved plans)

Reason. To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy DR1 of Herefordshire Unitary Development Plan.

Pre-commencement requirements

3 C01 (Samples of external materials)

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.

- 4 No development shall commence until details of the proposed means of final discharge have been submitted to and agreed in writing by the local planning authority. The details shall be implemented as approved and include the following in particular:

- i) A method statement as to the construction of the pipeline;
- ii) A plan showing the precise route of the pipeline;
- iii) A large-scale diagram of the headwall arrangements, control mechanisms and pipe;
- iv) An estimate of the quantity of any waste soils arising from the works and the means of disposal of such materials.

Reason: To ensure a satisfactory form of development and safeguard the amenity of the area in accordance with policies S1, S2, DR4 and DR6 of the Herefordshire Unitary Development Plan 2007.

- 5 G10 (Landscaping scheme)

Reason: In order to maintain the visual amenities of the area and to conform with Policy LA6 of Herefordshire Unitary Development Plan.

- 6 G11 (Landscaping scheme - implementation)

Reason: In order to maintain the visual amenities of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.

- 7 No development shall take place until a scheme for the translocation and extension of the section of hedge adjoining the highway, as indicated on the submitted plan date stamped 23 Oct 2008, has been submitted to and approved in writing the local planning authority. The scheme shall be implemented as approved and include in particular:

- i) An evaluation of the existing hedge by an appropriate qualified person
- ii) Method statement for the translocation process
- iii) Details of additional planting to extend the length of the hedge and fill any gaps, including species, numbers, sizes and location
- iv) Aftercare and maintenance of the translocated and replanted hedge, including provision for replace any plants that die
- v) Timescales for each phase

Reason: In order to maintain the visual amenity of the area and to comply with Policy LA5 & LA6 of Herefordshire Unitary Development Plan.

- 8 I33 (External lighting)

Reason: To safeguard the character and amenities of the area and to comply with Policy DR14 of Herefordshire Unitary Development Plan.

- 9 I09 (Sound insulation of plant and machinery)

Reason: To safeguard the amenity of the area and to comply with Policy DR13 of Herefordshire Unitary Development Plan.

- 10 G04 (Protection of trees/hedgerows that are to be retained)

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

11 H06 (Vehicular access construction)

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 OF THE Herefordshire Unitary Development Plan.

12 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 and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan.

Restrictions

13 H05 (Access gates)

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

14 G02 (Retention of trees and hedgerows)

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policy DR1 of Herefordshire Unitary Development Plan.

15 Notwithstanding the submitted plans, no development shall take place within 10 metres of any established hedgerow or tree except such as is necessary to alter the access where it joins the public highway in accordance with the requirement of this permission, unless otherwise agreed in writing in advance by the local planning authority.

Reason: To safeguard the existing hedgerow and trees, protect the amenity of the area and ensure the development conforms with policies DR1 and LA5 of the Herefordshire Unitary Development Plan 2007.

16 F06 (Restriction on Use)

Reason: The local planning authority wish to control the specific use of the land/premises, in the interest of local amenity and to comply with Policy DR2 of Herefordshire Unitary Development Plan.

17 F02 (Restriction on hours of delivery)

Reason: To safeguard the amenities of the locality and to comply with Policy DR1 of Herefordshire Unitary Development Plan.

18 Prior to being discharged into any watercourse or soakaway system, all surface water drainage from parking areas and associated hardstandings shall be passed through trapped gullies with an overall capacity compatible with the site being drained unless otherwise agreed in writing in advance by the local planning authority.

Reason: To prevent pollution of the water environment and to comply

with policies SR2, DR4 and DR6 of the Herefordshire Unitary Development Plan 2007.

19 F14 – Removal of permitted development rights

Notwithstanding the provisions of paragraph 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking or re-enacting that Order with or without modification), no development which would otherwise be permitted under Schedule 2, shall be carried out.

Reason: To safeguard the amenity of the area, because any other development on the site would require further consideration by the local planning authority, and to comply with policies S1, S2, DR1 and DR4 of the Herefordshire Unitary Development Plan 2007.

20 In connection with the development hereby permitted, no excavated materials shall be removed from the applicant's landholding unless otherwise agreed in writing in advance by the local planning authority.

Reason: In order to minimise waste and ensure a satisfactory form of development securing the sustainable use of natural resources, in accordance with policies S1, S10, S11 and DR11 of the Herefordshire Unitary Development Plan 2007.

Informatives

- 1 Any discharge to controlled waters requires discharge consent under the Water Resources Act 1991.**
- 2 To ensure the development is capable of complying with a Consent to Discharge granted by the Environment Agency in accordance with DETR Circular 03/99, no development should begin until the applicants, their assignees or successors have secured a legal agreement with the adjoining landowner for an easement or licence to install, maintain and utilise a discharge pipe and any necessary associated equipment to an agreed discharge point on a suitable watercourse.**
- 3 Developers should incorporate pollution prevention measure to protect ground and surface water. A range of advice is available including Pollution Prevention Guidance Notes (PPGN) targeted at specific activities and can be accessed at <http://www.environment-agency.gov.uk/business/444251/444731/ppg/>**
- 4 Any waste produced as part of this development must be disposed of in accordance with all relevant waste management and environmental legislation. Where possible, the production of waste from the development should be minimised and options for the re-used or recycling of any waste produced should be utilised.**
- 5 If it is proposed to import any waste material to the site for use in the construction of the development (e.g. in the construction of hardstandings or access tracks etc) an Environmental Permit (or Exemption from such) may be required. Please telephone 08708 506506 for further information if necessary.**
- 6 All earthmoving and excavations should be undertaken in accordance**

with Defra soil-handling guidance, available at www.defra.gov.uk

7 N15 - Reason(s) for the Grant of PP/LBC/CAC

8 N19 - Avoidance of doubt - Approved Plans

78. DCNW2008/2175/N - LITFIELD HOUSE, LYONSHALL, KINGTON, HEREFORDSHIRE, HR5 3HX.

Erection of building to be used as an animal incinerator, transfer and storage of clinical waste and waste photographic fixer and developer.

The Principal Planning Officer advised that the Local Ward Member had raised some issues. Firstly, he asked whether a landscaping plan as well as a plan for clearing up the site could be included. He also asked whether condition E01 could be imposed limiting the hours of operation of the incinerator.

In response to these concerns The Principal Planning Officer said that a condition for landscaping (G10) could be included if considered necessary, but as the site was predominantly hardstanding, this would have little benefit. As a compromise she stated that Condition 5 (G09 - scheme for boundary treatment) would include a requirement for some perimeter planting in consultation with the Senior Landscape Officer. She added that the application was for a building, not for the incinerator so she did not believe it would be possible to restrict its use under this application. She advised that the terms of the operation of the incinerator were regulated by the Environment Agency, who regularly inspected the site.

Councillor JW Hope explained that the site had a long, complicated planning history. The decision of the then Leominster Council meant that this authority was unable to impose restrictions on the hours of operation on the site. The current proposal would enable suitable conditions to be imposed. He added that this application had been the subject of some concern from local people.

Councillor TW Hunt said that Members were aware, from the recent site visit that the site in question was completely hard standing so a landscaping scheme would not be appropriate in this instance.

In response to some concerns from Members about the environmental impact of such a scheme, the Principal Planning Officer said that a brand new incinerator was installed on the site in 2006 and that it conformed to all of the relevant environmental regulations. This unit had a smaller capacity than the previous one at some 49 kg of matter per hour.

Members agreed that as it was not possible to change the operational hours of the incinerator, the application should be approved.

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 B01 (Development in accordance with the approved plans)

Reason. To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy DR1 of Herefordshire Unitary Development Plan.

3 C09 (Details of cladding (agricultural and industrial buildings))

Reason: To minimise the visual impact of the development and to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan

4 No development shall take place until a scheme for the removal and responsible disposal of all redundant storage facilities, cabins and caravans currently existing on the site has been submitted to and approved in writing by the local planning authority. The scheme shall specify in particular:

- a) Details of any items to be retained along with the reasons for their retention.
- b) That the portable cabin currently sited close to the C1027 road shall be removed.
- c) A schedule of all the other items to be removed.
- d) How and where these items will be disposed of, including any provisions for re-use or recycling.
- e) Timescales for removal of the specified items
- f) Provision for monitoring, review, and final signing-off of the cleared site.

Unless otherwise agreed in writing in advance by the local planning authority, the scheme shall be implemented as approved on the completion and first use of the building hereby permitted.

Reason: In the interests of visual amenity, to ensure the timely and satisfactory removal of redundant items, and to comply with policies S1, S2, DR1, DR2, and LA4 of the Herefordshire Unitary Development Plan 2007.

5 G09 (Details of Boundary treatments)

Reason: In the interests of visual amenity, to ensure the development has an acceptable standard of privacy and to conform to Policy DR1 of Herefordshire Unitary Development Plan.

6 I33 (External lighting)

Reason: To safeguard the character and amenities of the area and to comply with Policy DR14 of Herefordshire Unitary Development Plan.

7 F06 (Restriction on Use)

Reason: The local planning authority wish to control the specific use of the land/premises, in the interest of local amenity and to comply with Policy DR2 of Herefordshire Unitary Development Plan.

8 F14 – Removal of permitted development rights

Notwithstanding the provisions of paragraph 3(1) and Schedule 2 of the

Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking or re-enacting that Order with or without modification), no development which would otherwise be permitted under Schedule 2, shall be carried out.

Reason: To control the further expansion of the building and to ensure compliance with policies S1, S2, DR1 and DR4 of the Herefordshire Unitary Development Plan 2007.

9 G02 (Retention of trees and hedgerows)

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policy DR1 of Herefordshire Unitary Development Plan.

10 All contaminated/wash water from the building and yard shall be discharged exclusively to the existing wash-down pit, with connection to the holding tank fitted with an inspection chamber and alarm, in accordance with drawing no 4224/2 dated 26/07/08, unless otherwise agreed in writing in advance by the local planning authority. There shall be no discharge of water to any watercourse and roof water shall not be disposed of to the wash-down pit or holding tank.

Reason: To prevent pollution of the water environment and to comply with policies S2, DR4 and DR6 of the Herefordshire Unitary Development Plan 2007.

11 M13 (Pollution prevention)

Reason: To prevent pollution of the water environment and to comply with Policy DR10 of Herefordshire Unitary Development Plan.

12 On completion and first use of the building hereby permitted, no waste whatsoever shall be stored or kept outside the building in connection with the animal incineration, funeral, or waste transfer activities, with the exception of the permitted bunded chemical store, unless otherwise agreed in writing in advance by the local planning authority.

Reason: To ensure a satisfactory form of development and to protect the amenity of the area in accordance with policies S2, DR2 and DR4 of the Herefordshire Unitary Development Plan 2007.

13 All contaminated/wash water from the building and yard shall be discharged exclusively to the existing wash-down pit, with connection to the holding tank fitted with an inspection chamber and alarm, in accordance with drawing no 4224/2 dated 26/07/08, unless otherwise agreed in writing in advance by the local planning authority. There shall be no discharge of water to any watercourse and roof water shall not be disposed of to the wash-down pit or holding tank.

Reason: To prevent pollution of the water environment and to comply with policies S2, DR4 and DR6 of the Herefordshire Unitary Development Plan 2007.

Informatives:

1 Any discharge to controlled waters will require discharge consent

under the Water Resources Act 1991.

- 2 The applicant must ensure that clean water, e.g. from roofs, is kept separate from dirty water. It would be acceptable for clean water to be disposed of to storm drains, soakaways, or harvested for re-use.
- 3 The dirty water system must be emptied and disposed of by a suitable licensed contractor; duty of care regulations will apply, and the associated paperwork must be retained for inspection on request.
- 4 Developers should incorporate pollution prevention measure to protect ground and surface water. A range of advice is available including Pollution Prevention Guidance Notes (PPGN) targeted at specific activities and can be accessed at <http://www.environment-agency.gov.uk/business/444251/444731/ppg/>
- 5 Any waste produced as part of this development must be disposed of in accordance with all relevant waste management and environmental legislation. Where possible, the production of waste from the development should be minimised and options for the re-used or recycling of any waste produced should be utilised.
- 6 N15 - Reason(s) for the Grant of Planning Permission
- 7 N19 - Avoidance of doubt - Approved Plans

79. DCNC2008/1565/F - POOL HEAD ORCHARD, BODENHAM, HEREFORD, HEREFORDSHIRE, HR1 3HP.

Retrospective application for renewal of temporary permission for site for one travelling family including two residential static caravans, toilet block, day room, shed and boundary wall.

Councillor KG Grumbley, the Local Ward Member, said that the site had been the subject of various enforcement orders for over a period of time. He felt that the application should be granted, but only for a five year period.

RESOLVED

That planning permission be granted subject to the following conditions:

- 1 **B01 (Development in accordance with the approved plans)**
Reason. To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy DR1 of Herefordshire Unitary Development Plan.
- 2 **The use of the site shall be limited to two mobile homes to be occupied by a person or persons comprising a single family unit and being recognised as being of genuine Gypsy or other Traveller status as defined by Circular 1/2006 - Planning for Gypsy and Traveller Caravan Sites. Evidence of such status shall be submitted to and approved in writing by the local planning authority prior to the occupation of the site by any person or persons other than the current applicant.**
Reason: The nature of the development is such that it is only

considered to be acceptable in this location as a Gypsy or Traveller site in accordance with Policy H12 of the Herefordshire Unitary Development Plan.

- 3 Within three months of the date of this permission details including the precise dimensions and appearance of the day room and tool store as shown on the approved plan shall be submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details.

Reason: To protect the visual amenities of the area and to ensure that the development complies with the requirements of Policy DR1 of the Herefordshire Unitary Development Plan.

- 4 I45 (Restriction of open storage)

Reason: To protect the appearance of the locality and to comply with Policy DR1 of Herefordshire Unitary Development Plan.

- 5 The mobile home hereby permitted shall be removed permanently from the site on or before 18th November 2013 and the land reinstated in accordance with details (including timescale) which shall be submitted to and approved in writing by the local planning authority].

Reason: The local planning authority is not prepared to permit a residential mobile home in this location other than on a temporary basis having regard to the special circumstances of the case and Policy H12 of Herefordshire Unitary Development Plan.

Informatives:

1. N15 - Reason(s) for the Grant of PP/LBC/CAC
2. N19 - Avoidance of doubt - Approved Plans

80. DCNC2008/2286/F - THE OLD FORGE, PENCOMBE, BROMYARD, HEREFORDSHIRE, HR7 4SH.

Proposed new dwelling.

The Principal Planning Officer advised that a further letter of objection had been received.

In accordance with the criteria for public speaking, Mr Farrington spoke on behalf of the parish council, Mr Plant spoke in objection to the application and Mr Probert, the applicant, spoke in support.

Councillor B Hunt, one of the Local Ward Members, expressed some concern over the Transport Officer's comments in the report and felt that highway safety issues had not been addressed properly. He welcomed the applicant's comments regarding the footpath and noted the comments of the Parish Council.

The Northern Team Leader assured Members that any funds raised through the section 106 agreement would be spent locally where possible. He asked that the committee delegate the decision to officers in consultation with the Local Members regarding the position of the roadside wall.

Members agreed that the development should be given planning permission as one dwelling would not have a large impact on the village of Pencombe.

RESOLVED

That Officers named in the Scheme of Delegation to Officers, in consultation with the Chairman and Local Ward Members, be authorised to issue planning permission 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 C01 (Samples of external materials)

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan

3 D05 (Details of external joinery finishes)

Reason 1: To ensure that the work is finished with materials, textures and colours that are appropriate to the safeguarding of the special architectural or historical interest of the building and to comply with the requirements of Policy HBA1 [and HBA3] of Herefordshire Unitary Development Plan.

Reason 2: To ensure that the work is finished with materials, textures and colours that are appropriate to the safeguarding of the architectural or historic interest of the building (as one which is in a conservation area, or of local interest) and to comply with the requirements of Policy HBA12 and HBA13 of Herefordshire Unitary Development Plan

4 G09 – Details of Boundary treatments

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the position, type, design and materials of any boundary treatment to be erected. The boundary treatment shall be completed before (the use hereby permitted is commenced) (before the building(s) is/are occupied (in accordance with a timetable to be agreed in writing with the local planning authority). Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity, to ensure the development has an acceptable standard of privacy and to conform to Policy DR1 of Herefordshire Unitary Development Plan.

5 G10 (Landscaping scheme)

Reason: In order to maintain the visual amenities of the area and to

conform with Policy LA6 of Herefordshire Unitary Development Plan.

6 G11 (Landscaping scheme - implementation)

Reason: In order to maintain the visual amenities of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.

7 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 and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan

8 H29 (Secure covered 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 and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

9 I16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents and to comply with Policy DR13 of Herefordshire Unitary Development Plan.

10 I21 (Scheme of surface water regulation)

Reason: To prevent the increased risk of flooding and to comply with Policy DR4 of Herefordshire Unitary Development Plan.

11 I43 (No burning of material/substances)

Reason: To safeguard residential amenity and prevent pollution and to comply with Policy DR4 of Herefordshire Unitary Development Plan.

12 F14 (Removal of permitted development rights)

Reason: For new houses - In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy H13 of Herefordshire Unitary Development Plan.

13 L01 (Foul/surface water drainage)

Reason: To protect the integrity of the public sewerage system and to comply with Policy CF2 of Herefordshire Unitary Development Plan.

14 L02 (No surface water to connect to public 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 so as to comply with Policy CF2 of Herefordshire Unitary Development Plan.

15 L03 (No drainage run-off to public system)

Reason: To prevent hydraulic overload of the public sewerage system

and pollution of the environment so as to comply with Policy CF2 of Herefordshire Unitary Development Plan.

16 F08 (No conversion of garage to habitable accommodation)

Reason: To ensure adequate off street parking arrangements remain available at all times and to comply with Policy H18 of Herefordshire Unitary Development Plan.

17 B07 (Section 106 Agreement)

Reason: In order to provide [enhanced sustainable transport infrastructure, educational facilities, improved play space, public art, waste recycling and affordable housing] in accordance with Policy DR5 of the Herefordshire Unitary Development Plan 2007.

INFORMATIVES:

- 1 N15 - Reason(s) for the Grant of PP/LBC/CAC**
- 2 N19 - Avoidance of doubt - Approved Plans**
- 3 HN01 - Mud on highway**
- 4 HN04 - Private apparatus within highway**

81. DATE OF NEXT MEETING

17 December 2008

The meeting ended at 4.35 p.m.

CHAIRMAN