

A G E N D A

Northern Area Planning Sub- Committee

Date: **Wednesday, 19th November, 2008**

Time: **2.00 p.m.**

Place: **The Council Chamber, Brockington, 35
Hafod Road, Hereford**

Notes: Please note the **time, date** and **venue** of the meeting.

For any further information please contact:

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Herefordshire Council

AGENDA

for the Meeting of the Northern Area Planning Sub-Committee

To: Councillor JW Hope MBE (Chairman)
Councillor PJ Watts (Vice-Chairman)

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

	Pages
1. APOLOGIES FOR ABSENCE	
To receive apologies for absence.	
2. DECLARATIONS OF INTEREST	
To receive any declarations of interest by Members in respect of items on the Agenda.	
GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS	
The Council's Members' Code of Conduct requires Councillors to declare against an Agenda item(s) the nature of an interest and whether the interest is personal or prejudicial. Councillors have to decide first whether or not they have a personal interest in the matter under discussion. They will then have to decide whether that personal interest is also prejudicial.	
A personal interest is an interest that affects the Councillor more than most other people in the area. People in the area include those who live, work or have property in the area of the Council. Councillors will also have a personal interest if their partner, relative or a close friend, or an organisation that they or the member works for, is affected more than other people in the area. If they do have a personal interest, they must declare it but can stay and take part and vote in the meeting.	
Whether an interest is prejudicial is a matter of judgement for each Councillor. What Councillors have to do is ask themselves whether a member of the public – if he or she knew all the facts – would think that the Councillor's interest was so important that their decision would be affected by it. If a Councillor has a prejudicial interest then they must declare what that interest is and leave the meeting room.	
3. MINUTES	1 - 20
To approve and sign the Minutes of the meeting held on 22 October 2008.	
4. ITEM FOR INFORMATION - APPEALS	21 - 22
To note the contents of the attached report of the Head of Planning Services in respect of appeals for the northern area of Herefordshire.	

APPLICATIONS RECEIVED

To consider and take any appropriate action in respect of the planning applications received for the northern area of Herefordshire, and to authorise the Head of Planning Services to impose any additional and varied conditions and reasons considered to be necessary.

Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting.

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|------------|---|----------|
| 5. | DCNE2008/2357/F - LAND TO THE REAR OF THE HOMEND SERVICE STATION, THE HOMEND, LEDBURY, HEREFORDSHIRE, HR8 1BS. | 23 - 36 |
| | Proposed terrace of seven dwellings and associated car parking. | |
| 6. | DCNE2008/1525/O - ELM COTTAGE, NEW STREET, LEDBURY, HEREFORDSHIRE, HR8 2EQ. | 37 - 44 |
| | Site for two detached dwellings including formation of one new vehicular access, following demolition of existing single dwelling. | |
| 7. | DCNW2008/2462/F - CROSS COTTAGE, UPPER HILL, LEOMINSTER, HEREFORDSHIRE, HR6 0JZ. | 45 - 50 |
| | Continued use of land as a yard for parking/storage of HGV and construction of steel framed storage building. | |
| 8. | DCNW2008/2309/F - THE BARN, THE FARM, AYMESTREY, LEOMINSTER, HEREFORDSHIRE HR6 9TH | 51 - 58 |
| | Proposed conversion to four holiday lets. | |
| 9. | DCNC2008/2165/N - THE HORTONS, THORNBURY, BROMYARD, HEREFORDSHIRE, HR7 4NF. | 59 - 70 |
| | Change of use of agricultural land to industrial erection of effluent treatment plant, access road and office/control building. | |
| 10. | DCNW2008/2175/N - LITFIELD HOUSE, LYONSHALL, KINGTON, HEREFORDSHIRE, HR5 3HX. | 71 - 82 |
| | Erection of building to be used as an animal incinerator, transfer and storage of clinical waste and waste photographic fixer and developer. | |
| 11. | DCNC2008/1565/F - POOL HEAD ORCHARD, BODENHAM, HEREFORD, HEREFORDSHIRE, HR1 3HP. | 83 - 88 |
| | 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. | |
| 12. | DCNC2008/2286/F - THE OLD FORGE, PENCOMBE, BROMYARD, HEREFORDSHIRE, HR7 4SH. | 89 - 100 |
| | Proposed new dwelling. | |
| 13. | DATE OF NEXT MEETING | |
| | 17 December 2008 | |

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- 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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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Northern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 22 October 2008 at 2.00 p.m.

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

Councillors: JP French, JHR Goodwin, KG Grumbley, B Hunt, TW Hunt, TM James, P Jones CBE, PJ McCaull, R Mills, PM Morgan, RJ Phillips, A Seldon, RV Stockton, J Stone and JK Swinburne

59. APOLOGIES FOR ABSENCE

Apologies were received from Councillors LO Barnett, WLS Bowen, ME Cooper and RC Hunt.

The chairman welcomed Councillor PJ McCaull, recently elected Member for Leominster South, to his first meeting of the Northern Area Planning Sub-Committee

60. DECLARATIONS OF INTEREST

6. DCNW2008/1741/F & DCNW2008/1742/L - OLD WESLEYAN CHAPEL, HARPYARD, HIGH STREET, KINGTON, HEREFORDSHIRE, HR5 3BJ.
Ricky Clarke; Personal and Prejudicial.

61. MINUTES

Councillor A Seldon advised the committee that he had requested a detailed and accurate report into the condition of the Bromyard waste plant. He also stated that he had advised the sub-committee that permission had been granted for 18 dwellings near to the site. He asked that the minutes for item 53 be amended to include these points.

RESOLVED: that subject to the amendments detailed above, the minutes of the meeting held on 24 September 2008 be approved as a correct record and signed by the Chairman.

62. ITEM FOR INFORMATION - APPEALS

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

63. DCNC2008/1881/F - 22 OLD ROAD, BROMYARD, HEREFORDSHIRE, HR7 4BQ

Proposed redevelopment of site with 8 flats

The Senior Planning Officer reported that two e-mail letters had been received from the applicant relating to drainage from the site. The applicant confirmed the following:

With respect to proposed new development, none of the storm water or rainwater from the site would go into the sewer and the volume of foul water would be reduced. At the present time storm/rainwater goes into the public sewer. This water would be taken by soakaways in the new development.

The new development would remove and not increase the load on the public sewer during rainfall and storm. Calculations confirmed by Welsh Water showed that the volume of foul water from the proposed development would be reduced from output that was produced by the nursery (i.e. the last / previous use) on site.

The proposed development would result in a reduction of water in the sewers in the area, both foul and rainwater. Appreciate the concerns of Councillors and local people with regard to drainage but happily the proposed development would make some contribution in reducing the problem.

The proposed development would result in a 72% reduction in outflow demands on the public sewer when compared to the previous / last use of the site.

The Senior Planning Officer said that this confirmed the reason why Welsh Water had no objections to the proposed development.

Councillor B Hunt, one of the Local Ward Members, felt that many of the Town Council's reservations were addressed by the officer's report. He noted that the Petty Bridge pumping station was at capacity although a recent press release from Welsh Water had claimed that the station was adequately sized. He said that there was no joined up thinking on the issue between Welsh Water and the Environment agency and he felt that they should be encouraged to cooperate more effectively. In summing up he felt that it was unfair to punish the applicant for the drainage issues and said that along with fellow Local Member Councillor Seldon, he would seek meetings to establish a way forward regarding the longer-term drainage arrangements in Bromyard.

Councillor A Seldon, the other Local Ward Member, said that he agreed with the comments made by Councillor Hunt. He stated that the pumping station was not adequate for all of the foul drainage needs of the town. Finally he said that it was commonplace for foul drainage to be discharged into the local river and that the Environment Agency were aware of this and had given their consent for it to happen.

After considering all the issues, members felt that on balance the application should be approved. It was noted that the sub-committee felt strongly that there would need to be a significant amount of work done, in consultation with various agencies, the local members and the chairman of the sub-committee, in order to progress the issue of foul drainage capacity in Bromyard.

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 B07 (Section 106 Agreement)**

The development hereby permitted shall not commence until a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 has been certified as completed by the local planning authority. The said Agreement will provide for financial contributions to be paid to the local planning authority in accordance with the Heads of Terms approved at Northern Area Planning Sub Committee on 24th September 2008, as follows; -

- a - £1,796 towards improvements to public open space area in Bromyard
- b - £3,795 towards improvements to sports facilities in Bromyard
- c - £10,854 towards education improvements in Bromyard
- d - £14,099 towards highways/transportation facilities in Bromyard
- e - £1,116 towards library services in Bromyard
- f - £630 for the services of a Council Planning Obligations Monitoring Officer.

Reason: In order to provide enhanced sustainable transport infrastructure, educational facilities, improved play space, sports facilities and library services in accordance with Policy DR5 of the Herefordshire Unitary Development Plan 2007.

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 F16 (No new windows in specified elevation)

Reason: In order to protect the residential amenity of adjacent properties and to comply with Policy H18 of Herefordshire Unitary Development Plan.

5 Before any work commences on site full details of all ground surface treatments shall first be submitted to and be subject to the prior written approval of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to comply with Policy DR1 of the Herefordshire Unitary Development Plan.

6 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.

7 H06 (Vehicular access construction)

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

8 H09 (Driveway gradient)

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

9 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

10 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

11 Prior to the occupation of any of the dwelling units hereby approved, the existing vehicular access onto Ballhurst Road at the northwest corner of the site shall be permanently closed. Details of the means of closure and reinstatement of this existing access shall be submitted to and be subject to the prior written approval of the Local Planning Authority prior to the commencement of any work on the development hereby approved.

Reason: To ensure the safe and free flow of traffic using the adjoining highway and to conform with the requirements of Policy DR3 of the Herefordshire Unitary Development Plan.

12 No development shall commence until a scheme has been submitted and approved by the Local Planning Authority to show the removal of surface water connections to the public sewerage system at the existing site, and the provision of a replacement surface water drainage system. The scheme as approved shall be fully implemented before any works commence on the new development subject to this application, and the scheme shall be maintained in accordance with the specification.

Reason: To ensure the proposed development does not cause hydraulic overloading to the public sewerage system at this location to protect the amenities of existing residents and to prevent pollution and to comply with Policy CF2 of the 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 Unless otherwise first agreed in writing by the Local Planning Authority the windows on the block of 2 flats shall be traditionally painted symmetrical casements with the lights fitting flush with the frames and without a projecting timber sub sill. The windows need to be set back at least one brick course depth.

Reason: To protect the visual appearance and character of the Conservation Area and to comply with Policy HBA6 of the Herefordshire Unitary Development Plan.

INFORMATIVES:

- 1 N15 - Reason(s) for the Grant of PP/LBC/CAC
 - 2 N03 - Adjoining property rights
 - 3 N14 – Party Wall Act
 - 4 The applicant should be aware that this planning permission does not over ride any civil/legal rights enjoyed by adjacent property owners and that any development which physically affects or encroaches onto any adjoining property may well affect these rights. As such, the applicant is advised to contact the owners of adjacent properties where these rights may be affected and seek legal advice on the matter prior to undertaking any building work.
 - 5 HN01 - Mud on highway
 - 6 HN04 - Private apparatus within highway
 - 7 HN05 - Works within the highway
 - 8 HN10 – No drainage to discharge to highway
 - 9 HN22 - Works adjoining highway
 - 10 HN28 - Highways Design Guide and Specification
 - 11 W01 – Welsh Water Connection to PSS
 - 12 N19 Avoidance of doubt - Approved Plans
64. DCNW2008/1741/F & DCNW2008/1742/L - OLD WESLEYAN CHAPEL, HARPYARD, HIGH STREET, KINGTON, HEREFORDSHIRE, HR5 3BJ

Proposed conversion into nine apartments, including new stair tower

The senior planning officer reported that additional information had been received from the applicants. The applicants wished to confirm a copy of a letter has been sent to Kington Town Council explaining the justification for the proposed development. This letter included justification and consideration with regards to refuse and bicycle storage area, proposed access stairs, disabled access, car parking and issues with regards to Harp Yard, affordable housing and land within their ownership adjacent to the site.

The applicants also wished it to be known that the hole in the wall, as observed by members of the planning sub-committee, during their site visit, was already in place when they purchased the site from Herefordshire Council.

Councillor TM James, the Local Ward Member, felt that there was a clear need to redevelop the site as its current condition was unacceptable. He added that the application for nine one bedroomed apartments was over dense for a listed building of such historical importance. He pointed out that a similar scheme was suggested when the building was owned by Herefordshire Council and that this was not given planning permission. He felt that the development would benefit from fewer larger apartments as Kington already had approximately 40 vacant apartments of which a high proportion had one bedroom, as well as a very high proportion of rented property throughout the town. He moved refusal of the application as he felt that the proposed development would result in over intensification of the site.

Councillor RJ Phillips said he agreed that the development would result in the listed building becoming over developed and he shared Councillor James' concerns. He commended the planning officer for finding out what was proposed for the adjacent site and added that he felt it was important the two sites were viewed collectively. He said any development would have to be sensibly designed and be sympathetic towards the historic nature of the chapel.

Several members commented that the proposal did not take account of the architectural or historic value of the chapel. They also expressed the view that the fewer units in the development would make it more suitable for the area.

The Southern team leader advised Members that the application had the support of the Conservation Manager and that if they were to refuse it on the grounds of over intensification, they would need to attach a form of harm to their reasons for refusal. He added that this position would be difficult to defend on appeal.

Members also raised health and safety concerns particularly with regard to access, overcrowding and evacuation arrangements on the site. Members agreed that a garden would be valued by locals and without community support, any development would have little viability.

The Southern Team Leader said that from the course of the debate, it would appear that Members were in agreement that a lack of amenity space should form the grounds to refuse the application and that this was a more sustainable policy position given the number of units and the lack of private amenity space.

Members, on balance, felt that the proposed development was unsuitable for the site. They felt that the historic and architectural value of the former chapel was being overlooked and the lack of a decent amenity space would be of serious detriment to the area.

RESOLVED

- (i) The Northern Area Planning Sub-Committee is minded to refuse the application subject to the reasons for refusal set out below (and any further reasons for refusal felt to be necessary by the Head of Planning Services) provided that the Head of Planning Services does not refer the application to the Planning Committee.**

- lack of amenity space in the development**
- Over intensification of the site**

- (ii) **If the Head of Planning Services does not refer the application to the Planning Committee, officers named in the Scheme of Delegation to Officers be instructed to refuse the application subject to such reasons for refusal referred to above.**

[Note: Subsequent to the vote, The Southern Team Leader said that he would not refer the application to the Head of Planning Services.]

65. DCNE2008/1492/F & DCNE2008/1493/L - 12 HIGH STREET, LEDBURY, HEREFORDSHIRE, HR8 1DS

Change of use and re-development to provide 2 new 1 bed residential units, 3 no. A1 commercial units and 1 no. A3 unit.

The Senior Planning Officer reported the following updates to the sub-committee:

Herefordshire Council's Environmental Health Officer (Pollution) had no objections, but asked for an additional condition.

Discussions with Herefordshire Council's Building Control Surveyor regarding drainage had taken place.

The Surveyor considered that the proposed scheme would have a water use requirement comparable with the existing demands of the current permitted use (butchers, abattoir and two 2 bedroom flats). With regard to surface water runoff, much rainwater would be collected on the external roof, which apart from the addition of the proposed restaurant element, is not altering in terms of size. Collected rainwater, as per the current and historic situation, would be channelled into the existing drains.

Given all of the above there were no express concerns regarding surface water drainage within this site or by virtue of the proposals.

Councillor PJ Watts, one of the Local Ward Members, said that he had visited the site and was happy for the application to proceed. He said that there were many narrow alleyways in Ledbury town centre, which added to its rural charm and this development would reinvigorate a forgotten area of the town centre. He requested that the applicant should undertake additional landscaping measures in order to protect the views of the adjoining priory gardens.

RESOLVED

In respect of DCNE2008/1492/F:

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. Prior to the commencement of the hereby approved development, full written details and samples (where appropriate) of the following shall be submitted to the Local Planning Authority for written approval:**

Bricks

Roof tiles
Slates
Rainwater goods, including finish
All external timber elements, including finish

The proposal shall be carried out in strict accordance with the approved plans and thereafter maintained as such.

Reason: To preserve and enhance the character and appearance of the listed building and conservation area, in accordance with Herefordshire Unitary Development Plan policies DR1, HBA1, HBA4 and HBA6.

3. The development hereby approved shall be carried out in strict accordance with the approved 'Window Schedule', scales 1:50 and 1:20, received 31st July 2008, and thereafter maintained as such.

Reason: To preserve and enhance the character and appearance of the listed building and conservation area, in accordance with Herefordshire Unitary Development Plan policies DR1, HBA1, HBA4 and HBA6.

4. External lighting for the development shall be carried out in strict accordance with the approved details, namely 'Eliarange' Grande four sided lantern(s) finished in 'black' as per specification details received 31st July 2008, and thereafter maintained as such.

Reason: To preserve and enhance the character and appearance of the listed building and conservation area, in accordance with Herefordshire Unitary Development Plan policies DR1, HBA1, HBA4 and HBA6.

5. The external gate for the development, as positioned facing High Street, Ledbury, shall be carried out in strict accordance with the approved gate details, including secure coded access mechanism, as received 31st July 2008, (metal finished painted 'black') and thereafter maintained as such.

Reason: To preserve and enhance the character and appearance of the listed building and conservation area and to safeguard the residential amenity of the locality, in accordance with Herefordshire Unitary Development Plan policies DR1, DR2, H13, HBA1, HBA4 and HBA6.

6. The A3 element in the development is restricted to the following hours of opening and operation:

- Monday - Friday 07:00 - 21:00
- Saturday 08:00 - 22:00
- Sunday 10:00 - 16:00
- Bank holidays 10:00 - 16:00

Reason: To protect the residential amenity of adjacent residential properties, in accordance with Herefordshire Unitary Development Plan policies DR2, H13 and TCR8.

7. Prior to the occupation and first use of any unit within the hereby permitted development, the rear boundary wall between the application site and The Priory shall be reconstructed, with materials, finish and method approved in writing by the Local Planning Authority's Conservation Officer and thereafter maintained as such.

Reason: To preserve and enhance the character and appearance of the listed building and conservation area, and safeguard the residential amenity of residents of The Priory, Ledbury, in accordance with Herefordshire Unitary Development Plan policies DR1, DR2, DR3, HBA1, HBA4 and HBA6.

8. The external flue shall be provided in strict accordance with the approved plans and details, Titled 'Elevations as proposed - east elevation/ west elevation/ roof plan', scale 1:100, numbered 9, received 31st July 2008 prior to operation of the restaurant and thereafter be maintained as such.

Reason: To preserve and enhance the character and appearance of the listed building and conservation area, in accordance with Herefordshire Unitary Development Plan policies DR1, HBA1, HBA4 and HBA6.

9. E02 (Archaeological survey and recording)

Reason: To allow for recording of the building/site during or prior to development and to comply with the requirements of Policy ARCH6 of Herefordshire Unitary Development Plan. The brief will inform the scope of the recording action.

10. The A1 element in the hereby approved development is restricted to the following hours of opening and operation:

- Monday - Saturday 08:00 - 21:00
- Sunday 10:00 - 16:00
- Bank holidays 10:00 - 16:00

Reason: To protect the residential amenity of adjacent residential properties, in accordance with Herefordshire Unitary Development Plan policies DR2, H13 and TCR8.

11. No storage of plant, machinery or materials shall take place within or on the land associated with The Priory, Worcester Road, Ledbury, HR8 1PL, nor shall works or access to works of the hereby permitted development take place through, via or upon land associated with The Priory, Worcester Road, Ledbury, HR8 1PL, except for the works specified in planning condition 7 of this approval.

Reason: To protect the residential amenity of the occupants of The Priory, Worcester Road, Ledbury, in accordance with Herefordshire Unitary Development Plan policy DR2.

12. The external landscaping of the approved development shall be carried out in strict accordance with the approved details and materials as specified on approved plan titled 'Landscape plans as proposed', drawing no's. 14 and 16, scale 1:100, received 31st July 2008 and paving specification details titled 'Old Riven' - Autumn Cotswold, received 31st July 2008

Reason: To ensure the satisfactory appearance and setting of the Grade II Listed Building and the integration of the scheme within the Conservation Area, in accordance with Herefordshire Unitary Development Plan policies DR1, HBA1, HBA4 and HBA6.

13. Prior to the commencement of the restaurant element, a scheme to be approved in writing by the local planning authority for the extraction or other ventilation equipment to be used on the premises shall be submitted to the Local Planning Authority for written consent. These details shall include full details of its mounting, so designed to minimise the transmission of structure borne sound and include noise attenuation. The approved scheme shall thereafter be carried out in strict accordance with the approved details and thereafter be maintained as such.

Reason: To protect the amenity of the area, in accordance with Herefordshire Unitary Development Plan policies DR1 and DR2

Informatives:

1. N15 - Reason(s) for the Grant of Planning Permission
2. N19 - Avoidance of doubt - Approved Plans

In respect of DCNE2008/1493/L:

That Listed Building consent be granted subject to the following conditions:

1. D01 – (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. Prior to the commencement of the hereby approved development, full written details and samples (where appropriate) of the following shall be submitted to the Local Planning Authority for written approval:

Bricks
Roof tiles
Slates
Rainwater goods, including finish
All external timber elements, including finish

The proposal shall be carried out in strict accordance with the approved plans and thereafter maintained as such.

Reason: To preserve and enhance the character and appearance of the listed building and conservation area, in accordance with Herefordshire Unitary Development Plan policies DR1, HBA1, HBA4 and HBA6.

3. The development hereby approved shall be carried out in strict accordance with the approved 'Window Schedule', scales 1:50 and 1:20, received 31st July 2008, and thereafter maintained as such.

Reason: To preserve and enhance the character and appearance of the listed building and conservation area, in accordance with Herefordshire Unitary Development Plan policies DR1, HBA1, HBA4 and HBA6.

4. External lighting shall be undertaken in strict accordance with the

approved details, namely 'Eliarange' Grande four sided lantern(s) finished in 'black' as per specification details received 31st July 2008, and thereafter maintained as such.

Reason: To preserve and enhance the character and appearance of the listed building and conservation area, in accordance with Herefordshire Unitary Development Plan policies DR1, HBA1, HBA4 and HBA6.

5. The external gate shall be provided in strict accordance with the approved gate details, including secure coded access mechanism, as received 31st July 2008, (metal finished painted 'black') and thereafter maintained as such.

Reason: To preserve and enhance the character and appearance of the listed building and conservation area and to safeguard the residential amenity of the locality, in accordance with Herefordshire Unitary Development Plan policies DR1, DR2, H13, HBA1, HBA4 and HBA6.

6. Prior to the occupation and first use of any unit the rear boundary wall between the application site and The Priory shall be reconstructed, with materials, finish and method approved in writing by the Local Planning Authority's Conservation Officer and thereafter maintained as such.

Reason: To preserve and enhance the character and appearance of the listed building and conservation area, and safeguard the residential amenity of residents of The Priory, Ledbury, in accordance with Herefordshire Unitary Development Plan policies DR1, DR2, DR3, HBA1, HBA4 and HBA6.

7. The external flue shall be provided in strict accordance with the approved plans and details, Titled 'Elevations as proposed - east elevation/west elevation/roof plan', scale 1:100, numbered 9, received 31st July 2008 prior to operation of the restaurant and thereafter be maintained as such.

Reason: To preserve and enhance the character and appearance of the listed building and conservation area, in accordance with Herefordshire Unitary Development Plan policies DR1, HBA1, HBA4 and HBA6.

8. E02 (Archaeological survey and recording)

Reason: To allow for recording of the building/site during or prior to development and to comply with the requirements of Policy ARCH6 of Herefordshire Unitary Development Plan. The brief will inform the scope of the recording action.

9. The external landscaping of the approved development shall be carried out in strict accordance with the approved details and materials as specified on approved plan titled 'Landscape plans as proposed', drawing no's. 14 and 16, scale 1:100, received 31st July 2008 and paving specification details titled 'Old Riven' - Autumn Cotswold, received 31st July 2008

Reason: To ensure the satisfactory appearance and setting of the Grade II Listed Building and the integration of the scheme within the Conservation Area, in accordance with Herefordshire Unitary Development Plan policies DR1, HBA1, HBA4 and HBA6.

Informatives:

1. **N15 - Reason(s) for the Grant of Planning Permission**
2. **N19 - Avoidance of doubt - Approved Plans**

66. DCNE2008/0830/N - CODDINGTON COURT SCHOOL, CODDINGTON, LEDBURY, HEREFORDSHIRE, HR8 1JL

Proposed development of reed based wetlands sewage solution and car park extension

The Principal Planning Officer circulated an amended site plan to the sub-committee.

In accordance with the criteria for public speaking, Mr Crampton, a local resident, spoke in objection to the application and Messrs Painter and McCollin, the applicants, spoke in support.

Councillor RV Stockton, one of the Local Ward Members, said that the proposed water system was not a new or experimental system and that there were several examples of such systems in the county. He said that no bad smells had been reported from any of these sites and that as two hundred people at the school needed to be catered for, which was more than the population of the Bosbury village, he supported the application.

Councillor R Mills, the other Local Ward Member, said that Councillor Stockton had been Ward Councillor for a number of years and had good knowledge of the area so was able to make an accurate assessment of its needs. He said that the proposed system was highly sophisticated and that the Environment Agency's guidelines were very strict for such arrangements.

Several Members agreed that examples of such systems in their own wards had not resulted in any problems due to odours and so were therefore in support of 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 **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 **Non Standard (Non Standard Condition)**
Before the development begins, a scheme for the regular de-sludging of the effluent treatment system shall be submitted to and approved in writing by the local planning authority. The scheme shall specify in particular:

- i) The parts of the system that will require de-sludging;
- ii) The means by which this will be achieved;
- iii) The likely frequency that de-sludging will be necessary for each of the areas identified at point i);
- iv) Odour prevention plan;
- v) Contingency measures including health and safety precautions;
- vi) Provision for review and revision as necessary.

The scheme shall be implemented as approved unless otherwise agreed in writing in advance by the local planning authority.

Reason: To ensure efficient management of the system and protect the environment in accordance with policies S2, DR1, DR4 and DR9 of the Herefordshire Unitary Development Plan 2007.

4. Non Standard (Non Standard Condition)

Before the development hereby permitted is brought into use, a Method Statement for inspection and monitoring of the system, at least for an agreed initial period, shall be submitted to and approved in writing by the local planning authority. The Method Statement shall include in particular:

- i) The appointment of a named responsible person/s to monitor the system for a specified period;
- ii) Details for regular visual checks of the entire sewerage system including all equipment, infrastructure, apparatus and machinery;
- iii) Items to be monitored (e.g. pump noise, water levels, surface drainage, odour inspections, system efficiency etc)
- iv) Frequency of checks and method of reporting, such as a Site Diary;
- v) Contingencies for rectifying any points of concern;
- vi) Provision for periodic review of operational systems and updating of the monitoring scheme when necessary;
- vii) Provision for record-keeping and availability.

Unless otherwise agreed in writing in advance by the local planning authority, the Method Statement shall be implemented as approved, and the records shall be made available during normal office hours on request, by officers of Herefordshire Council or the Environment Agency.

Reason: To ensure the system is effectively monitored and reported on, and to comply with policies S2, DR1, DR4, DR6, DR7 and DR9 of the Herefordshire Unitary Development Plan 2007.

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

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policies DR1 and LA5 of Herefordshire Unitary Development Plan.

6 G05 (Pre-Development tree work)

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policies DR1 and LA5 of Herefordshire Unitary Development Plan.

7 Non Standard (Non Standard Condition)

No development shall take place until details and specifications for surfacing the car parking area shown on drawing ref Drawing ref AWM7F5-0508-V23 revision 23 dated 26.08.08 have been submitted to and approved in writing by the local planning authority. The details shall specify in particular:

- i) That the surface will be permeable and not require any surface drainage;
- ii) Materials to be used;
- iii) Construction method;
- iv) Boundary treatment;
- v) Details of hedging or other screen planting;

Unless otherwise agreed in writing in advance by the local planning authority, the car-parking area shall be constructed and maintained in accordance with the approved details and shall not be brought into use until its construction has been completed to the written satisfaction of the local planning authority.

Reason: In order to achieve a satisfactory form of development and to comply with policy DR3 of the Herefordshire Unitary Development Plan 2007.

8 I33 (External lighting)

Prior to the commencement of the development hereby permitted, full details, including a plan and design drawing, of all external lighting to be installed in the car parking area shall be submitted to and be approved in writing by the local planning authority. The approved external lighting shall be installed in accordance with the approved details and thereafter maintained in accordance with those details unless otherwise agreed in writing by the Local Planning Authority.

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

9 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.

10 H30 (Travel plans)

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

Restrictions and Requirements

11 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.

12 G06 (Remedial works to trees)

Reason: The trees form an integral part of the visual environment and this condition is imposed to preserve the character and amenities of the area and to ensure that the development conforms with Policies DR1 and LA5 of Herefordshire Unitary Development Plan.

13 E03 (Site observation - archaeology)

Reason: To allow the potential archaeological interest of the site to be investigated and recorded and to comply with the requirements of Policy ARCH6 of Herefordshire Unitary Development Plan.

[Note: ND03 should be used in conjunction with this condition].

14 Non Standard (Non Standard Condition)

Unless otherwise agreed in writing in advance by the local planning authority in consultation with the Environment Agency, there shall be no discharge to any waste water treatment plant or watercourse other than in accordance with:

**Drawing ref AWM7F5-0508-V23 revision 23 dated 26.08.08;
Revised Project Overview (GSL environmental Services Ltd) dated 25th August 2008.**

Reason: To prevent pollution of the water environment and to comply with policies SR2, DR4 and DR6 of the Herefordshire Unitary Development Plan 2007.

15 Non Standard (Non Standard Condition)

Unless otherwise agreed in writing in advance by the local planning authority, all the proposed engineered water treatment features indicated on drawing ref AWM7F5-0508-V23 revision 23 dated 26.08.08 shall be constructed using a sealed bentonite clay liner and there shall be no effluent discharge to ground or soakaway.

Reason: To prevent pollution of the water environment and to comply with policies SR2, DR4 and DR6 of the Herefordshire Unitary Development Plan 2007.

16 Non Standard (Non Standard Condition)

Prior to being discharged into any watercourse, wetland treatment 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.

17 Non Standard (Non Standard Condition)

The part of the development hereby permitted that relates to the extension to car parking shall only be implemented in lieu of planning permission reference DCNE2004/1430/F.

Reason: For the avoidance of doubt, and to ensure a satisfactory form of development in accordance with policy S2 of the Herefordshire Unitary Development Plan 2007.

Informatives

1 Non Standard

Any discharge to controlled waters will require discharge consent under the Water Resources Act 1991.

2 Non Standard

To ensure the development is capable of being granted a Consent to Discharge 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, running from the final point in the effluent treatment system hereby approved on the application site, to an agreed discharge point on a suitable watercourse.

3 Non Standard

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 Non Standard

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 Non Standard

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

7 N19 Avoidance of doubt - Approved Plans

67. DCNW2008/1915/F - LAND ADJOINING KINGSLEANE, KINGSLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9SP

Residential development comprising 10 nos. Affordable housing units, car parking, shared access and landscaping.

The Senior Planning Officer reported the following updates:

Further comments were received from Herefordshire Council's Senior Landscape Officer, who made the following points, reproduced in full:

- The proposed development is located to the south-west of the settlement of Kingsland, in open countryside between, and adjacent to, an extension to the village (Kingsleane) and a dispersed collection of dwellings and farms, collectively known as West Town. The settlement has a linear character, principally due to recent additions to the north-west along the B4360, belying a former central focus on the church and 'castle'. Substantial dwellings and farmsteads exist to the south-east of the central crossroads and it would, perhaps, be better to describe the settlement as 'polyfocal' – containing a number of centres of influence and interest, representative of historic phases of development. The village once commanded a strategic importance between the River Lugg to the north-east and the former Roman road to the west – that importance having caused the road to migrate towards the settlement and on to its current course (A4110). Archaeological investigation suggests the proposed development site has not previously been occupied by buildings.
- Visually the settlement and application site are located in a landscape type described in the Herefordshire Landscape Character Assessment as '*Principal Settled Farmlands*'. This landscape type is defined by a mixed land use and distinct hedgerow boundaries. The site currently represents an example of unimproved lowland pasture, defined by mature and complex hedgerows; a locally distinctive element in the landscape, but one that is rapidly disappearing. In brief the development of this site would permanently remove a distinctive element from the landscape and bring about a negative change in the quality and character of the area.
- The proposed design is bland and unimaginative and fails to respond to the character and constraints of the settlement and site. Whereas the adjacent 'Kingsleane' development recognises the 'natural' termination of the settlement and addresses the sharp bend in the road creating a quality, useable space to the south-east, the proposed development is founded on a standard highways turning head and radius (shamelessly leaving access to possible further development to the west) and utilises every available space for buildings and car parking.
- The proposed layout results in 80% of the modest (9m x 8m) garden spaces being to the north of the buildings, resulting in most of them being in deep shadow for much of the year. Two of the proposed properties (plots 2 & 5) are accessed to the rear only via a path extending to 49 metres in length. This layout is dominated by car parking and roadway, completely contrary to the general character of the settlement.
- The design and access statement claims that the '*sensitive landscaping*' is at the core of the design; however, this is simply not evident. The much vaunted

and ‘...generous...’ communal open space is modest in size, the product of the road layout and not a defining design feature; I do not believe it to be manageable or sustainable. It is proposed to be planted as a ‘...small wooded area...’ containing one feature oak, a small number of birch, field maple and rowan and some shrubs, specific areas and numbers of plants are not described and the proposal is completely inappropriate for a space of approximately 22m x 18m. The remaining landscaping for the site extends to three crab apples, some amenity planting to front gardens – principally to define parking areas – and a new boundary hedge to the west. Although the D&A Statement claims that ‘*sensitive landscaping will be provided throughout the development which will give good screening between the new and existing development...*’ no new landscaping is proposed to the east of the site. Furthermore, a well conceived scheme should use landscaping to inform the general layout and ensure assimilation into the setting. The need for ‘screening’ should be recognised as either a failure in design or the last resort to an insurmountable problem.

- It is suggested in the D&A Statement that the development will be adequately screened from view by the mature roadside hedgerow to the south of the site; however, it is important to bear in mind that once this hedgerow forms the boundary to a domestic curtilage it would no longer fall within the remit of the Hedgerow Regulations and no constraint on its removal would exist. Not only would the existing hedgerow screen views into the site, but it would also screen views out and restrict direct light to the house and garden (plot 10)
- Lastly, the proposal has failed to address the constraint imposed by a mature oak tree to the north-west corner of the site and details of how it should be safely retained and protected during development included in the submission. Standards of protection should comply with the recommendations made in *BS5837; Trees in Relation to Construction, 2005*.

In conclusion, the proposal failed to address the first three points of policy DR1 in the UDP. As an ‘exception’ site the proposed development was, not surprisingly, a departure from the general visual character of the landscape, but would also permanently remove an element - unimproved pasture - from that landscape. The proposal occupied a site at the edge of the settlement, redefining the boundaries and character of the place without preserving or enhancing the existing character. I would consider the proposals to be contrary to both policies LA2 and LA3 of the UDP. I do not consider the landscaping proposals as adequate for a site of high sensitivity and whilst it is occasionally expedient to condition the development of an appropriate scheme of planting, I believe the proposals to be fundamentally flawed. I could not support this proposal for development.

Welsh Water object as the proposed development would overload the Waste Water Treatment Works. No improvements are planned within the Welsh Waters Capital Investment Programme. Therefore any development prior to improvements being made will be premature.

In accordance with the criteria for public speaking, Mrs Sharp-Smith, a neighbouring resident, spoke in objection to the application and Mrs Rivers, the applicant, spoke in support.

Councillor J Stone questioned whether the application complied with policy H10 of the Unitary Development Plan. He also asked members to consider the location of the development and to consider the need for affordable housing in the county and therefore suggested a site visit to familiarise members with the site.

Councillor RJ Phillips said that he supported the wish for affordable housing in the area. He said that in order for an application to be permitted that broke the principles of the settlement boundary, it would need to make a significant contribution to an area. The application, in his opinion was not particularly environmentally friendly and was poorly designed. He pointed out that Welsh Water had objected to the development so he could not support the application.

Councillor JK Swinburne expressed concern over the proposed section 106 agreement on the site. She had concerns that the need for a contribution was not local enough to the development. She also questioned the need for further affordable homes specifically in the village mentioned in the application.

Members were in agreement that the development should be refused per the officer's recommendation. They agreed that the objections raised by Welsh Water were reason enough to deny planning permission, but made it clear that as a committee they were in support of the principle of affordable homes.

RESOLVED

That planning permission be refused for the following reason(s):

- 1. The application site is not considered to be adjacent to the settlement boundary of the village of Kingsland. Consequently, the proposal does not comply with policy H10 of the Herefordshire Unitary Development Plan (2007).**
- 2. The proposed development fails to preserve or enhance the character and appearance of the conservation area contrary to policy HBA6 of the Herefordshire Unitary Development Plan (2007) and to guidance contained with PPG15 – Planning and Historic Environment.**
- 3. The proposed development by virtue of its location and prominent position is considered to be harmful to the landscape quality of the area contrary to Policy LA2 of the Herefordshire Unitary Development Plan (2007). The introduction of built form in this location would harm the setting and approach to the village contrary to policy LA3 of the Herefordshire Unitary Development Plan (2007).**
- 4. The application site is designated as a Special Wildlife site and is recognised as unimproved hay meadow. As such the introduction of development would be contrary to the aims of policies NC4 and NC6 of the Herefordshire Unitary Development Plan (2007) and guidance contained within PPS9 – Biodiversity and Geological Conservation.**
- 5. The proposal, when considered in relation to the adjacent affordable housing site known as Kingsleane, would create a development, harmful to the social cohesion of Kingsland by virtue of not being integrated within or with meaningful context to the existing local community, contrary to policies S1 and S3.**
- 6. The proposed development fails to make provision for or in lieu of a small children's /infants play area, properly equipped and fenced and therefore fails to meet the criteria of policy H19 of the Herefordshire Unitary Development Plan (2007).**
- 7. The proposal would result in unacceptable overloading of the waste**

water treatment works and as such would be detrimental to the local environmental and public health, and therefore contrary to Herefordshire Unitary Development Plan policies DR2 and CF2.

68. DATE OF NEXT MEETING

19 November 2008

The meeting ended at 3.25 p.m.

CHAIRMAN

ITEM FOR INFORMATION - APPEALS**APPEALS RECEIVED****Application No. DCNC2008/1351/F**

- The appeal was received on 21 October 2009
- 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 Charlbury Building Co Ltd.
- The site is located at Land to the rear of the Nook, -, Etnam Street, Leominster, Herefordshire. HR6 8AL
- The development proposed is Proposed terrace of six cottages.
- The appeal is to be heard by Written Representations

Case Officer: Nigel Banning on 04132 383093

Application No. DCNW2008/0517/F

- The appeal was received on 15 October 2008
- 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 & S Burton
- The site is located at Land adjacent to Stonewood Cottage, 5 Oxford Lane, Kington, Herefordshire, HR5 3ED
- The development proposed is Erection of one house.
- The appeal is to be heard by Written Representations

Case Officer: Philip Mullineux on 01432 261808

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

5 DCNE2008/2357/F - PROPOSED TERRACE OF SEVEN DWELLINGS AND ASSOCIATED CAR PARKING. LAND TO THE REAR OF THE HOMEND SERVICE STATION, THE HOMEND, LEDBURY, HEREFORDSHIRE, HR8 1BS.

For: P. Win Developments Ltd per Mr W Bridges, CGMS Limited, Burlington House, Lypiatt Road, Cheltenham, Gloucester, GL50 2SY.

Date Received: 11 September 2008 Ward: Ledbury Grid Ref: 70969, 38253

Expiry Date: 6 November 2008

Local Members: Councillors ME Cooper, JK Swinburne and PJ Watts

1. Site Description and Proposal

- 1.1 The application site lies on the western side of Homend Crescent. The site has an area of some 0.118 hectare. The site comprises a car park and an area of vacant land. The site is set at a materially lower ground level than Homend Crescent itself. To the rear of the site itself (along the western boundary) is a retaining wall of approximately 3.6 metres in height. The other side of the retaining wall (to the west) is a petrol filling station including a car wash facility, which is set against the aforementioned retaining wall. There is an existing pedestrian link from the application site to the petrol filling station via a steel staircase. This is a private pedestrian route and not a public right of way, although local residents have been utilising this route.
- 1.2 To the south of the application site is Dawes Court a part two-storey and part three-storey residential development. To the east of the application site on the opposite side of Homend Crescent at a materially higher ground level, are a pair of semi-detached dwellings (3 & 5 Homend Crescent) and a terrace of four dwellings (5-8 Homend Crescent). To the north of the application site is a detached two-storey house known as 'Castlebridge'. Homend Crescent has a completely varied series of developments in terms of their era, size, age, scale and design. It does not have a single uniform character or any real degree of homogeneity. There is a footway on the eastern side of Homend Crescent only.
- 1.3 The site has a few trees and little vegetation upon it. None of these trees are of any significant amenity value.
- 1.4 The proposal is to erect a terrace of seven two-storey houses. All these houses would have three-bedrooms. The building would have a pitched and hipped-roof together with three projecting gables. The building would be set at a materially lower ground level than Homend Crescent. Indeed it would be sited such that its ridge level would be 3.02 metres lower than the ridge line of the two storey dwelling at 8 Homend Crescent. Similarly the eaves line would be 3.54 metres lower than the eaves level of number 8 Homend Crescent.

- 1.5 The building has been designed so that the main habitable rooms face east (away from the petrol filling station) with balconies provided to plots 3 and 5. All of the houses would have frontage gardens.
- 1.6 Secure cycle parking storage would be provided. To the north of the building some ten car parking spaces would be provided (including one space for disabled persons) together with refuse storage facilities. The vehicular means of access onto Homend crescent would be towards the north of the eastern boundary.
- 1.7 The pedestrian route through the existing Petrol Filling Station would be maintained as a permissive footpath.
- 1.8 In terms of materials it is envisaged to use a red brick on the ground floor, render on the first floor and a plain concrete tile to the roof. The drawings indicate the use of reconstituted stone cills and architectural features such as the use of quoins.

2. Policies

2.1 Central Government Advice

Planning Policy Statement 1	–	'Delivering Sustainable Development'
Planning Policy Statement 3	–	'Housing'
Planning Policy Guidance Note 13	–	'Transport'

2.2 Herefordshire Unitary Development Plan

S1	–	Sustainable Development
S2	–	Development Requirements
DR1	–	Design
DR2	–	Land use and activity
DR3	–	Movement
DR5	–	Planning Obligations
DR13	–	Noise
H1	–	Housing in the market towns
H13	–	Sustainable Residential Design
H14	–	Re-using previously developed land and buildings
H15	–	Density
H16	–	Car Parking
H19	–	Open Space Requirements
T6	–	Walking
T7	–	Cycling
T11	–	Parking Provision
RST3	–	Standards for Outdoor playing and public open space

3. Planning History

- 3.1 DCNE2004/4098/F – Erection of 6 town houses with garaging – Withdrawn
Upon part of the site (the northern extreme) that previously formed part of the curtilage of the dwelling known as 'Casterbridge' an outline permission was granted for a dwelling under reference DCNE2004/2663/O on 30/09/2004.

- 3.2 DCNE2007/0966/F – Proposed three storey building to provide 13 apartments, with 18 parking spaces and associated cycle parking – Planning Permission Refused on the following sole ground: -

“ The proposed development by reason of its extensive glazing and height and mass of the building upon such a prominent site, would represent a discordant feature inappropriate to its context detracting from the character and appearance of the area. As such the proposal is considered to be contrary to policies DR1 and H13 of the Herefordshire Unitary Development Plan March 2007”

- 3.3 An appeal was lodged and dismissed on the same ground as the sole refusal reason.

4. Consultation Summary

Statutory Consultations

- 4.1 Severn Trent Water has no objections to the proposed development subject to the imposition of an appropriate condition.

Internal Council advice

- 4.2 Environmental Health Section - No objections

Petroleum & Explosives Officer - No objections

Transportation Section - No objections

Building Control Section - No objections

5. Representations

- 5.1 The Ledbury Parish Council recommends APPROVAL
- 5.2 Two letters of support has been received from a local resident who considers this revised proposal to be sensibly scaled and appropriately designed for the site.
- 5.3 The occupiers of seven properties in the immediate vicinity object to the proposed development on the following summarised grounds: -
- The proposed development would destroy views from Homend Crescent;
 - The local highway network (including Knapp Lane) is inadequate to cater with the vehicular and pedestrian traffic likely to be generated by the proposed development;
 - There is a need to retain the pedestrian link;
 - Concern over land stability;
 - Concern as to proximity of Petrol Filling Station;
 - Homend Crescent should be made "access only"
- 5.4 A letter of objection has been received from another member of the public who objects on the same grounds as the local residents and wishes to see a modern design.

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

6. Officer's Appraisal

- 6.1 The application site lies within the settlement boundary of Ledbury. Policy H1 of the Herefordshire Unitary Development Plan allows for residential development within the settlement boundary of market towns, including Ledbury. The density of this proposal is some 46% lower than the density of the most previous proposal that was dismissed on appeal (Reference DCNE2007/0966/F). Nevertheless the scheme remains a relatively high density. In the long-term by making the most efficient use of land within towns, reduces the need for housing development. Therefore there is no objection to the principle of the development. In this respect it is important to note that in dismissing the previous appeal the Inspector also found no objection to the principle of residential development, only the detail of the design.
- 6.2 Whilst Homend Crescent is a pleasant residential street, it has no defining characteristic or architectural form. In fact there are a variety of buildings of various eras with no consistent architectural style or design. It must be stressed that the site is not within the Conservation Area or adjoining the Conservation Area. In response to the previous refusal and dismissed appeal the architect has revised the design approach from a contemporary design to a more traditional vernacular of a building with a pitched roof.
- 6.3 As opposed to the previous scheme that was for a three-storey building, this proposal is only for a two-storey building. The proposed building would be 2.8 metres lower than the previously refused building and due to its lower eaves height and use of hipped roofs would have a lesser physical mass. The apparent mass of the front and rear elevations would be broken-up by the use of the three projecting gables that have a depth of some 1.1 metres.
- 6.4 The fact that the ridge level of the proposed building is actually lower than the eaves level of the house at 8 Homend Crescent means that the stepping-up affect of buildings that run along the contours of the hillside when viewed from say Orchard Lane would be maintained.
- 6.5 There is not the same degree of glazing that was considered a discordant feature of the previous scheme.
- 6.6 Therefore on the critical issue of design I consider the proposed development to be acceptable.
- 6.7 With regard the detail of materials a planning condition is recommended requiring those details to be approved.
- 6.8 The distance between the proposed building and the front elevation of the dwellings at numbers 5-8 Homend Crescent opposite would be more than 27 metres. This is well in excess of the 21 metre privacy distance one would normally attempt to secure between habitable room windows. Similarly given the distance involved and the fact that the proposed building is materially lower than number 8 Homend Crescent there would be no undue loss of daylight or sunlight to those properties.

- 6.9 No habitable room windows are proposed in the southern flank elevation and as such there would be no loss of privacy to habitable room windows within the Dawes Court flatted development. The height of the building and the respective distances would also ensure that there would be no undue loss of daylight to habitable room windows within the Dawes Court flatted development. Similarly no habitable room windows are proposed in the northern flank elevation and as such there would be no loss of privacy to the house known as 'Castlebridge'.
- 6.10 Therefore it is considered that there would be no undue loss of privacy, daylight and / or sunlight to neighbouring residential properties.
- 6.11 In terms of the amenities of the occupiers of the proposed house, each lounge and main bedroom faces east away from the petrol filling station that is set at a materially lower level. Similarly the outdoor amenity areas in the form of balconies and gardens face east towards Homend Crescent away from the noise and odour source. The Environmental Health Section has been consulted upon the issue of noise and odour and is satisfied that the occupiers of the proposed houses would enjoy a satisfactory level of amenity.
- 6.12 The Building Control Section would deal with the matter of land stability under the Building Regulations. The issue of land contamination has been addressed. The Environmental Health Section is recommending appropriate conditions.
- 6.13 With regard the transportation matters, the Transportation Section consider that the local highway network has sufficient capacity with the additional traffic that the proposed development would generate. With regard the car parking provision ten car parking spaces are to be provided. The policy of the Herefordshire Council is that to reduce reliance upon the private motor vehicles the supply of car parking spaces should be reduced. The policy of Herefordshire Council is that a maximum of 1.5 spaces per dwelling should be provided. Clearly the proposed development complies with this policy. Furthermore this site is in a highly sustainable location as far as Ledbury is concerned. It is within easy walking distance of the Town Centre, the railway station and the food supermarket on the western side of The Homend.
- 6.14 Following extensive negotiations the applicant has agreed that the private right of way (not a public right of way) through the site be retained.
- 6.15 Provision is made on-site for cycle storage facilities.
- 6.16 There would be space along the frontage between Homend Crescent and the frontage gardens for landscaping to be secured by way of condition.
- 6.17 Whilst it is considered that the proposal includes sufficient amenity space for the future occupiers of the proposed development in the form of balconies and front gardens, there is still a need to address the issue of children's play equipment, amenity green / open space and sports facilities. In this respect the applicant has agreed to make the following commuted sums: -
- £2,219 (index linked) to provide / enhance children's play space and / or children's play equipment and / or amenity green space / open space within the Ledbury Town Council area; and
 - £4,687 (index linked) to provide / enhance sports facilities within the Ledbury Town Council area.

- 6.18 In terms of impact upon the wider infrastructure the applicant has agreed to make the following other commuted sums: -
- £20,657 (index linked) towards education provision within the Ledbury Town Council area; and
 - £18,081 (index linked) towards sustainable transport initiatives within the Ledbury Town Council area; and
 - £1,386 (index linked) towards library provision within the Ledbury Town Council area.
- 6.19 These contributions fully meet the requirements of the Education, Transportation and Library Services.
- 6.20 The policies within the Herefordshire Unitary Development Plan only require the provision of affordable housing within the market towns on developments of 15 dwellings (or more) or sites of more than 0.5 hectare. Neither threshold is reached in this case.
- 6.21 In terms of potential air and ground pollution arising from the adjoining petrol filling station this matter is controlled under separate legislation (Environmental Protection Act 1990). In terms of the explosive risk from the adjoining Petrol Filling Station, the management of such facilities is controlled under separate legislation (i.e. Safety Regulations made under the Health and Safety at Work etc act 1974 and a Petroleum Licence issued by the Authority with licence conditions under the Petroleum (Consolidation) Act 1928). Such facilities are then inspected annually by the Council's Petroleum and Explosives Officer to ensure compliance. Indeed modern technology ensures that when fuel is delivered no vapour is released into the atmosphere. It is recovered back into the delivery tanker.
- 6.22 In conclusion, it is considered that the proposed development is acceptable in principle, overcomes the design objections of the previous scheme, fully complies with the provisions of the Herefordshire Unitary Development Plan and fully meets the requirements of the Council's Supplementary Planning Document entitled 'Planning Obligations'.

RECOMMENDATION

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

Decision:

Notes:

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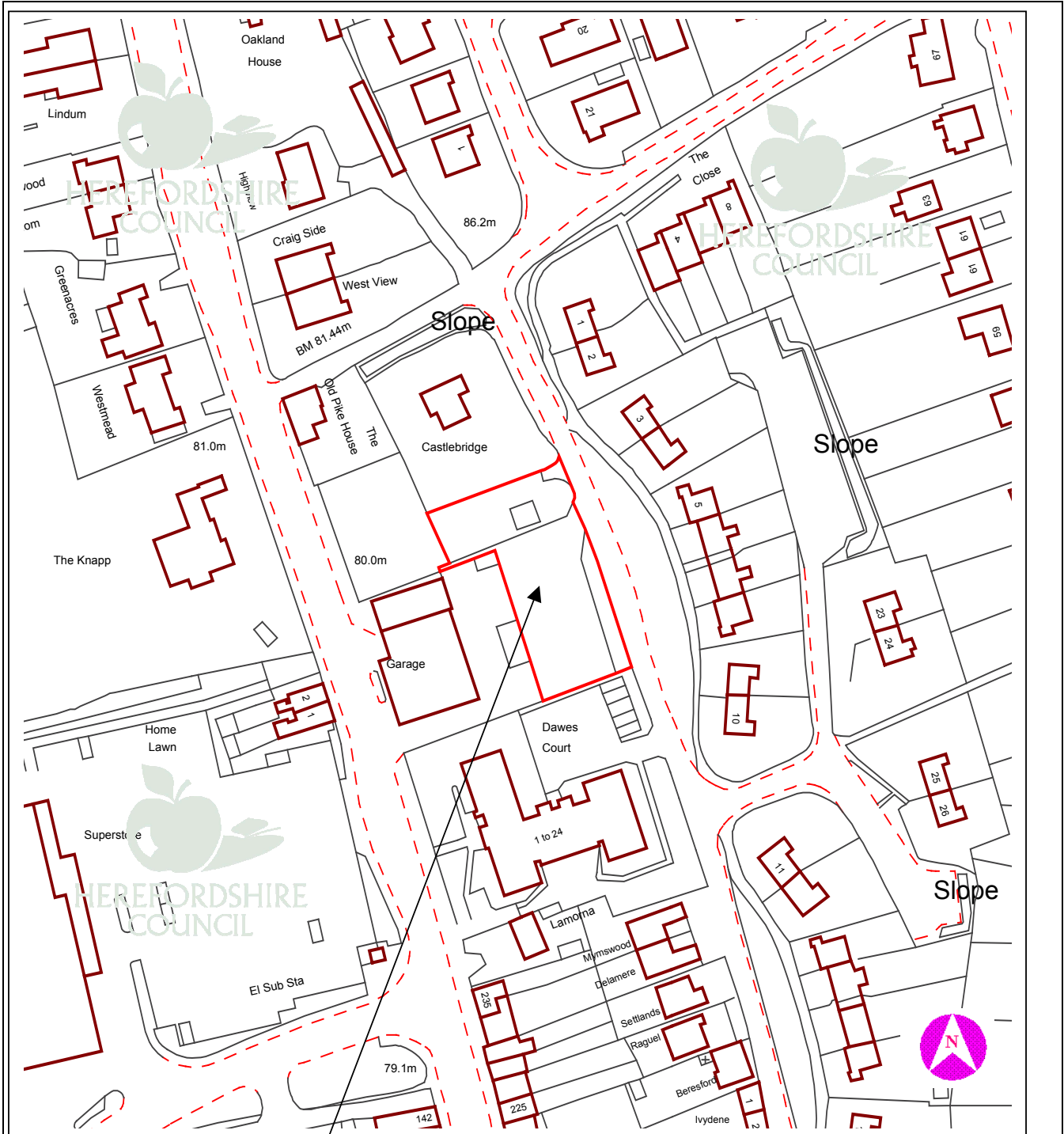
Background Papers

Internal departmental consultation replies.

DRAFT HEADS OF TERMS**PROPOSED PLANNING OBLIGATION AGREEMENT
SECTION 106 TOWN AND COUNTRY PLANNING ACT 1990 (as amended)**

- Residential development of 7 dwellings
 - Land to the rear of Homend Service Station, The Homend, Ledbury
 - P-Win Developments Ltd.
- 1 The developer will provide a pedestrian link across the land prior to the occupation of any new dwellings. The developer will be responsible for the future maintenance of the link and ensure that the link is without obstruction or impediment. The general public will be able to pass and re-pass along this route at no financial cost.
 - 2 The developer will pay Herefordshire Council the sum of £2,219 (index linked) to provide/enhance children's play space and/or children's play equipment and/or amenity green space/open space within the Ledbury Town Council area prior to the first occupation of any new dwellings.
 - 3 In the event that Herefordshire Council does not, for any reason, use the contributions in clause 2 for the purposes specified in the Agreement within 10 years of the date of the Agreement, the Council shall repay to the developer the sum or such part thereof, which has not been used by that date.
 - 4 The developer will pay Herefordshire Council the sum of £4,687 (index linked) to provide/enhance sports facilities within the Ledbury Town Council area or if no suitable scheme is identified the Herefordshire Council area prior to the first occupation of any of the new dwellings.
 - 5 In the event that Herefordshire Council does not, for any reason, use the contributions in clause 4 for the purposes specified in the Agreement within 10 years of the date of the Agreement, the Council shall repay to the developer the sum or such part thereof, which has not been used by that date.
 - 6 The developer will pay Herefordshire Council the sum of £18,081 (index linked) towards sustainable transport initiatives within the Ledbury Town Council area prior to the first occupation any of the new dwellings.
 - 7 In the event that Herefordshire Council does not, for any reason, use the contributions in clause 6 for the purposes specified in the Agreement within 10 years of the date of this Agreement, the Council shall repay to the developer the sum or such part thereof, which has not been used by this date.
 - 8 The developer will pay Herefordshire Council the sum of £20,657 (index linked) towards education provision within the Ledbury Town Council area prior to the first occupation of any of the new dwellings.
 - 9 In the event that Herefordshire Council does not, for any reason, use the contributions in clause 8 for the purposes specified in the Agreement within 10 years of the date of the Agreement, the Council shall repay to the developer the sum or such part thereof, which has not been used by that date.

- 10 The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.
- 11 The developer will pay Herefordshire Council the sum of £1,386 (index linked) towards library provision (including the purchasing of books) within the Ledbury Town Council area prior to the first occupation of any of the new dwellings.
- 12 In the event that Herefordshire Council does not, for any reason, use the contributions in clause 11 for the purposes specified in the Agreement within 10 years of the date of the Agreement, the Council shall repay to the developer the sum or such part thereof, which has not been used by that date.
- 13 The developer will pay Herefordshire Council the sum of £944.20 (index-linked) towards the monitoring of the Agreement.



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APPLICATION NO: DCNE2008/2357/F

SCALE : 1 : 1250

SITE ADDRESS : Land to the rear of The Homend Service Station, The Homend, Ledbury, Herefordshire, HR8 1BS

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Further information on the subject of this report is available from Mr R Close on 01432 261803

6 DCNE2008/1525/O - SITE FOR TWO DETACHED DWELLINGS INCLUDING FORMATION OF ONE NEW VEHICULAR ACCESS, FOLLOWING DEMOLITION OF EXISTING SINGLE DWELLING. ELM COTTAGE, NEW STREET, LEDBURY, HEREFORDSHIRE, HR8 2EQ.

For: Mr & Mrs Berry Ian Guest & Associates, 3 Juniper Way, Malvern Wells, Worcestershire, WR14 4XG.

Date Received: 9 June 2008

Ward: Ledbury

Grid Ref: 70665, 37257

Expiry Date: 4 August 2008

Local Members: Councillors ME Cooper, JK Swinburne and PJ Watts

1. Site Description and Proposal

- 1.1 This is an outline application for 2, 4 bed detached dwellings with access and layout not reserved for subsequent approval. The application site, formerly the site of Elm Cottage, lies on the south side of New Street on the corner of the junction with Fairfields Road.
- 1.2. The site has a frontage to New Street of approximately 27m and a depth of approximately 42m. The site lies above the level of New Street and Fairfield Road.
- 1.3. The existing access is proposed to serve the dwelling facing Fairfields Road to the rear of the plot. The plans indicate this to be a chalet bungalow style property at an excavated level to produce a ridge height, similar to that of the adjacent property No. 1 Fairfield Close, a cul-de-sac off Fairfields Road.
- 1.4 A new access is proposed to serve the two storey dwelling, close to the junction with Fairfields Road, with excavation of this part of the site the ridge height of the new dwelling will be similar overall to that of the former Elm Cottage. The design and access statement indicates a dwelling of approximately 130m² gross internal floor area for plot 1, the New Street frontage, and 140m² for the Fairfields frontage.

2. Policies

- 2.1. Unitary Development Policies - H1 Hereford and the Market Towns: settlement boundaries and established residential areas

H13 - Sustainable residential design

H16 - Car parking

S1 - Sustainable development

S2 - Development requirements

DR1 - Design

DR5 - Planning obligations

DR7 - Flood risk

T11 - Parking provisions

2.2. Planning obligations - Supplementary Planning Documents April 2008

3. Planning History

3.1 NE2007/3720/0 Site for construction of two dwellings - withdrawn.

3.2. NE2004/0381/F - Land to rear of Elm Cottage, Erection of three dwellings, approved 21st May 2004. These constitute the 3 new houses to the rear of the site known as Fairfields Close.

4. Consultation Summary

Statutory Consultations

4.1 Severn Trent Water - originally sought conditions requiring hydrological and hydrogeological survey to resolve potential flooding problem.

As a consequence this survey was sought by officers in advance of determination as it could have a fundamental impact on potential to develop the site.

In response to the survey Severn Trent advised

"I can confirm that it demonstrates the ground is not suitable for the use of soakaways, however, we request the following drainage related condition

The applicant must submit a proposed drainage layout that demonstrates how the properties will be drained for foul and surface water."

Internal Council Advice

4.2 Transporation Manager - In addition to SPD requirements of £4,301, in response to amended plan, advises the proposed accesses are acceptable, further specifications will be required. Drainage details should be included in this. The parking shown is below standard, space for two cars per dwelling being required.

Subject to this amendment recommended conditions.

4.3 Conservation Manager - Comments were received prior to the demolition of Elm Cottage, it was believed that the property was capable of re-use, though there would be no objection to demolition. Recommends that to reflect the character of the area the 2 houses be erected fronting New Street.

5. Representations

5.1 In support of the application, in addition to the now mandatory Design and Access Statement, the hydrological/hydrogeological report has been submitted, together with more information on access and parking arrangements. In response to the Conservation Manager's comments the agent advises to build the properties on the New Street frontage would result in a cramped development.

Ledbury Town Council

5.2 In response to original consultation -

Members would recommend approval on condition that a new vehicular access on New Street is not permitted. Access to both dwellings could be achieved via the existing access/driveway.

In response to additional information -

Members expressed some concerns regarding access and drainage

5.3 Objection letters have been received from seven local residences, a number of which were submitted prior to demolition of Elm Cottage, summarised below.

1. Drainage problems both from foul sewer in Fairfield Close, but also general surface water problems. Want the connection to main sewer via New Street not Fairfield Close.
2. Demolition of Elm Cottage would be/was act of vandalism, should have been renovated.
3. Highway safety issue with new access. Properties could share existing.
4. Loss of trees from site prior to application
5. Elm Cottage should be preserved - if not two properties fronting New Street with new access between them.

5.4 A letter of support for the proposal, in general has also been received but points out that drainage, building height and access issues would be resolved.

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

6. Officer's Appraisal

- 6.1. Before considering the merits of the proposal, it is necessary to briefly explain matters relating to the demolition of Elm Cottage. It is clear from the proposal that this was the intention from the start. Before dwellings can be demolished, assuming not part of an approved redevelopment proposal, the local planning authority should be given prior notification of the intention to do so. The local planning authority then has 28 days in which to respond accordingly. In this instance, whilst the applicant did follow the appropriate procedure under Building Regulations, the Prior Notification Procedure was not followed. The property was demolished in late July. The Council's Ecologist had some issues to raise about this, but it does not impact further on the determination of the application.
- 6.2 If the local planning authority were mindful it could require a dwelling to be re-erected the same as Elm Cottage. However, given that this is not in the Conservation Area, and the Conservation Manager had not objection to demolition, it was considered unreasonable to follow this line of action. Any historic value the property may have had would not be retrieved merely by building a facsimile.
- 6.3 Since the site lies within the settlement boundary of Ledbury, there is no objection in principle to the residential redevelopment of the site. This outline application reserves the design, appearance and landscaping for future consideration. However, the scale

of the dwellings is set by the information contained in the Design/Access Statement referred to at paragraphs 1.3 and 1.4.

- 6.4 Given the comments of the Transportation Manager, it is considered reasonable to accept a new access to serve plot 1 and to use the existing, although it is substandard, to serve plot 2 at the rear. Visibility splays and gradients are covered by condition.
- 6.5 There is a diverse mix of properties along New Street and it is right that the proposal should include a property fronting it. It would, however, be rather cramped to achieve the detached properties on this frontage, and difficult to achieve an improved access as well. It is not considered that the arrangement is so damaging to the character of this area as to justify refusal.
- 6.6. Final details of the appearance of the dwellings are reserved, but it is considered that, given the locations within the plot and excavation proposed, that there will be no unreasonable loss of privacy to neighbouring properties.
- 6.7 It had appeared, following the submission of the hydrological and hydrogeological survey that the unsuitability of the site for soakaways would damage the prospect of approval. However, Severn Trent Water have not objected to surface water run off being discharged to the main sewer. This is covered by condition.
- 6.8. Developer contributions have been set out in the draft Heads of Terms, appended to this report.
- 6.9. In conclusion, with the necessary conditions to cover, amongst other things, the water and drainage matters, this proposal is considered to comply with relevant Unitary Development Plan policies.

RECOMMENDATION

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. I18 (Scheme of foul drainage disposal)

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

10. 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.

11. I20 (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 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

Decision:

Notes:

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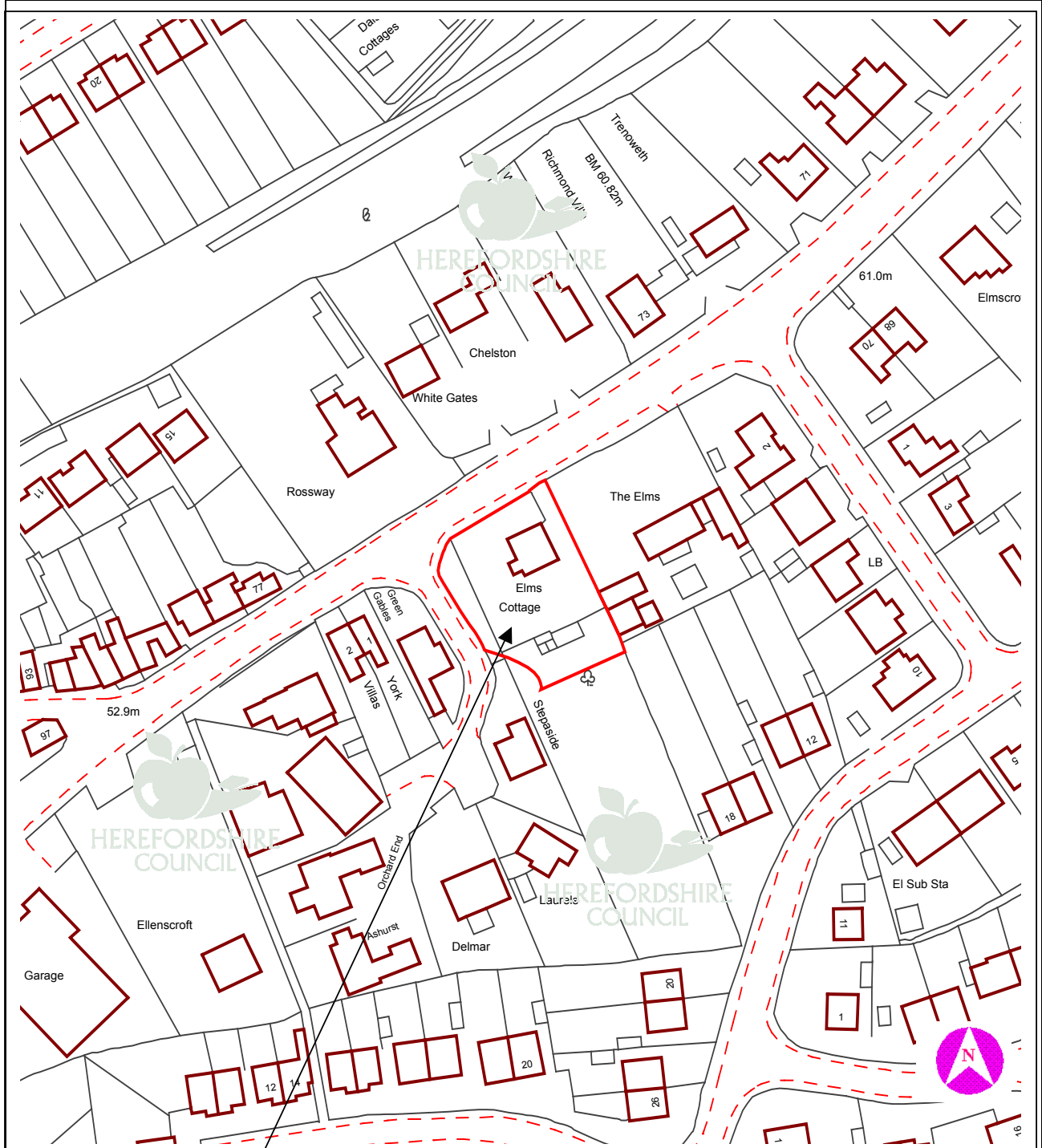
Background Papers

Internal departmental consultation replies.

DRAFT HEADS OF TERMS
Proposed Planning Obligation Agreement
Section 106 Town and Country Planning Act 1990

Planning Application – DCNE2008/1525/0
Erection of 2 dwellings at Elm Cottage, New Street, Ledbury

1. The developer covenants with Herefordshire Council, in lieu of the provision of open space on the land to serve the development to pay Herefordshire Council the sum of £4301 which sum shall be paid on or before the commencement of development. The monies shall be used by Herefordshire Council at its option for highway improvements and/or other elements contained in the Local Transport Plan.
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £386 open space contribution and £818 Sport England contribution..
3. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £5006 education contribution
4. The developer covenants with Herefordshire Council, to pay Herefordshire Council the sum of £241 libraries contribution
5. In the event that Herefordshire Council does not for any reason use the sum specified in paragraphs 1, 2, 3 or 4 for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
 - a) The sums referred to in paragraphs 1, 2, 3 and 4 above shall be linked to an appropriate index or indices selected by the Council with the intention that such sums will be adjusted according to any percentage increase in prices occurring between the date of the Section 106 Agreement and the date the sums are paid to the Council.
 - b) The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement and a 2% levy to cover monitoring costs.



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APPLICATION NO: DCNE2008/1525/O

SCALE : 1 : 1250

SITE ADDRESS : Elm Cottage, New Street, Ledbury, Herefordshire, HR8 2EQ

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7 DCNW2008/2462/F - CONTINUED USE OF LAND AS A YARD FOR PARKING/STORAGE OF HGV AND CONSTRUCTION OF STEEL FRAMED STORAGE BUILDING AT CROSS COTTAGE, UPPER HILL, LEOMINSTER, HEREFORDSHIRE, HR6 0JZ.

For: Mr Thomas, Burton & Co, Lydiatt Place, Brimfield Ludlow, Shropshire, SY8 4NP.

Date Received: 19 September 2008 **Ward: Gold Cross with Weobley** **Grid Ref: 47388, 54102**

Expiry Date: 14 November 2008

Local Member: Councillor JHR Goodwin

1. Site Description and Proposal

- 1.1 This application relates to an area of land approximately 90 metres to the east of a property known as Cross Cottage. It is located in open countryside in an area characterised by randomly spaced groups of buildings along the C1106 road between Ivington and Upper Hill.
- 1.2 The land between the application site and the road is effectively flat, but rises behind to the south to Ramshill Wood. It is against this backdrop against which it is viewed. The site is currently defined by a post and rail fence along three boundaries, with a fourth comprising a mature native species hedgerow.
- 1.3 The proposal which is in part retrospective is for the erection of a building for HGV used by the applicant for his haulage business. The building measures 18.75m x 11.00m with an eaves height of 4.8m and ridge height of 6.5m. The frame has already been erected. It is proposed to clad the building in green sheeting.
- 1.4 The proposal seeks the continued use of the site for this haulage use. The applicant already has a Operator Licence for the site.

2. Policies

2.1 Herefordshire Unitary Development Plan

S1	-	Sustainable development
DR2	-	Land use and activity
T8	-	Road hierarchy
LA2	-	Landscape character and areas least resilient to change
HBA4	-	Setting of listed buildings

3. Planning History

- 3.1 NW2008/0426/F - Planning Permission for same development refused for following reason.

The combination of the size of the building and the remote location of both it and the yard for the HGV will result in an unacceptable visual impact on the landscape. As such the proposal is contrary to policies DR2 and LA2 of the Herefordshire Unitary Development Plan.

4. Consultation Summary

Statutory Consultations

4.1 None required

Internal Council Advice

4.2 Conservation Manager - No objection, no impact upon setting of listed building.

4.3 Transportation Manager - No objection, acceptable as limited use. Would not want to see major expansion beyond one HGV.

5. Representations

5.1 In support of the proposal the applicant has explained the need for the building and the history of the use for parking of vehicles for haulage contractor and groundworks contractor since 1997. A landscaping scheme has also been submitted.

5.2 Leominster Town Council - Recommend approval

5.3 Birley with Upper Hill Parish Council advises the following:

The Parish Council visited the site on 24 October. This is the second time we have visited the site. Please read our first report, which still stands.

Following the second visit the following additional comments are made:

- 1 About 10 trees have been planted. These have no concealing effect. A proper substantial shelter belt of deciduous trees of above 15 – 20 metres thick would be required. Apparently there is insufficient land to do this.
- 2 The Paris Council believes the best compromise on this unfortunate situation is to relocate the building, either nearer to the house and dig into the bank or to site between Cross Cottage and the road.
- 3 Planning Permission as requested should not be granted for the reasons given on our previous comments. There is considerable local opposition to this application.

The comments on the previous application were as follows:

The Parish Council is very strongly opposed to this application. The yard is a considerable distance from the house and the building will have an adverse affect on the landscape and in particular the beautiful views of Ramshill Wood. It will be seen by everybody using the road. The Parish Council is therefore adamant that planning permission should not be granted.

5.4 An letter of objection has been received from Mr & Mrs Galliers-Pratt, Upper Wintercott, Ivington, summarised as follows:

- Precedent set by change of use

- Visual impact, of this plus other buildings erected since home was bought 5 years ago.
- Would enable commercial business to develop, including servicing other HGV's
- Contest long standing use of business, lorry only acquired 3 years ago and land use began.
- Consider an alternative site behind Cross Cottage or between it and Cross House more appropriate.

5.5 Mr R Thomas, Cross House, Upper Hill, advises that he has no objection.

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

6. Officer's Appraisal

6.1 It was considered that the previous application lacked justification and was consequently considered to be contrary to policy. On this occasion information has been submitted, albeit untested, about the history of the use of the site.

6.2 The site is level and viewed against rising hills behind. The building is currently similar to others in the locality. It is considered with appropriate landscaping and limitations on use that the proposal to continue the one HGV business causes no demonstrable harm and is therefore considered to satisfy policy requirements.

6.3 It is important however that it is understood that this is only on the basis of the existing scale, i.e one HGV operated by the occupier of the nearest dwelling. To that end conditions are suggested.

6.4 Since the proposal commenced prior to April 2008 it is not considered reasonable to require a S106 agreement in this instance.

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 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

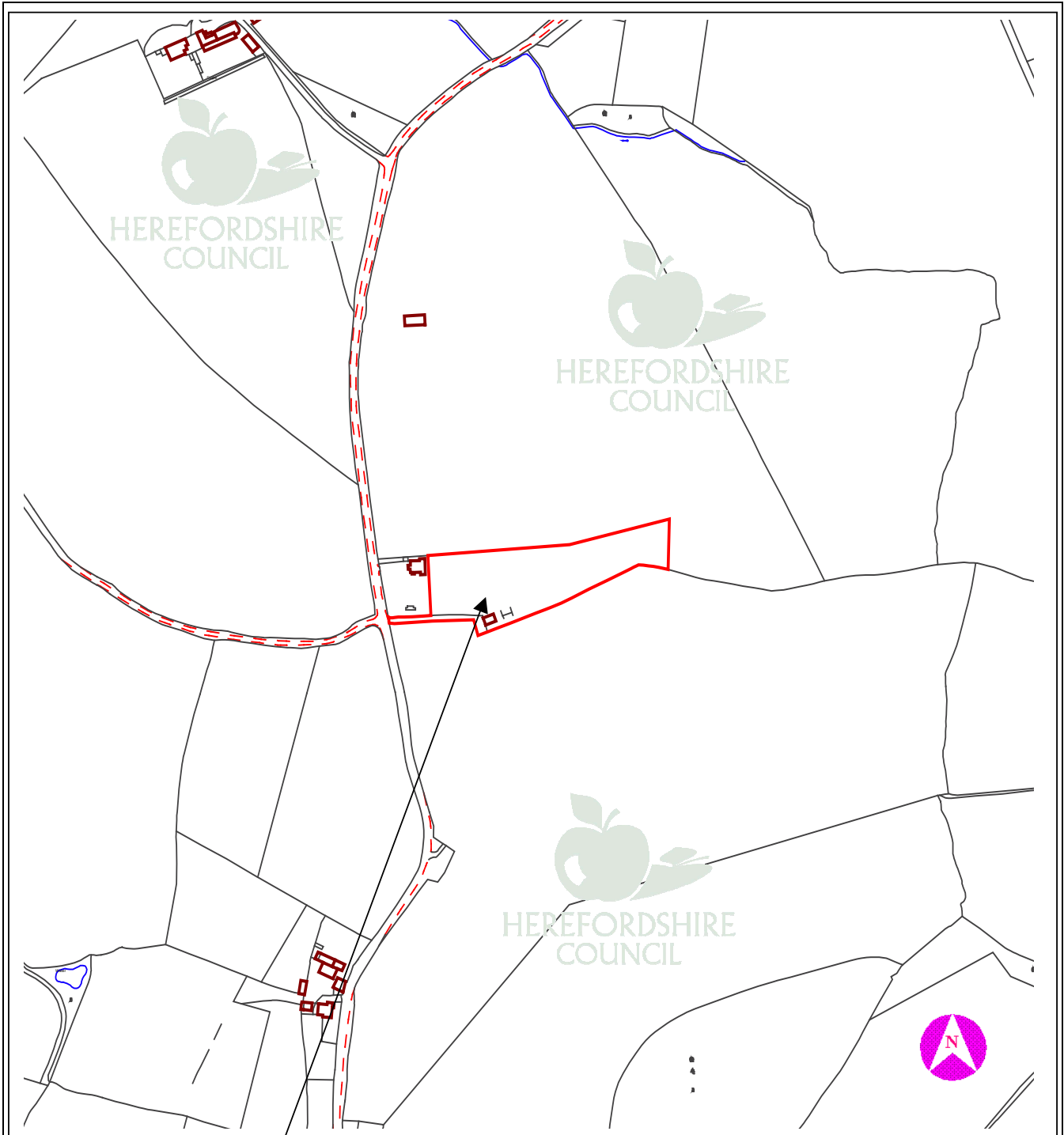
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2008/2462/F

SCALE : 1 : 5000

SITE ADDRESS : Cross Cottage, Upper Hill, Leominster, Herefordshire, HR6 0JZ

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Further information on the subject of this report is available from Mr M Tansley on 01432 261956

8 DCNW2008/2309/F - PROPOSED CONVERSION TO FOUR HOLIDAY LETS AT THE BARN, THE FARM, AYMESTREY, LEOMINSTER, HEREFORDSHIRE HR6 9TH

For: Mr P Smith per Mr J Needham, John Needham Associates, 22 Broad Street, Ludlow, Shropshire, SY8 1NG

Date: 3 September 2008

Ward: Mortimer

Grid Ref: 42483, 65264

Expiry Date: 29 October 2008

Local Member: Councillor LO Barnett

1. Site Description and Proposal

- 1.1 The application site consists of a range of formally redundant traditional farm buildings of mainly external stone with brick detail construction, under recently installed slate roofs. The buildings subject to this application were previously granted planning approval for conversion into 2 number dwellings and B1 class workshops, this was subject to application ref NW00/2864/F dated 6 March 2001. Although construction works have commenced on site, the planning use, as approved, has not been implemented and construction works carried out to the buildings are not fully in accordance with the approved plans.
- 1.2 The site is located within the hamlet known as Aymestrey and backs on to agricultural land. To the east of the application site (frontal roadside elevation, A4110), is a two-storey detached dwelling, also in the control of the applicant. To the north and south of the proposed development site are other dwellings outside the control of the applicant.
- 1.3 The application proposes conversion of the building range into four separate holiday units. The Design and Access Statement submitted in support of the application states that no alterations to the public highway access, is required, as this has been developed in accordance with the previous planning permission for the site. The statement further states that because of the existing levels, it is only possible to give disabled access to one of the proposed holiday unit.

2. Policies

2.1 National Planning Policy

Planning Policy Statement 7 - Sustainable development in rural areas

2.2 Herefordshire Unitary Development Plan

- Policy S1 - Sustainable development
 Policy S2 - Development requirements
 Policy S8 - Recreation, sport and tourism
 Policy DR1 - Design
 Policy DR2 - Land use and activity

Policy DR3	-	Movement
Policy DR4	-	Environment
Policy HBA4	-	Setting of listed buildings
Policy HBA12	-	Re-use of rural buildings
Policy RST12	-	Visitor accommodation
Policy RST13	-	Rural and farm tourism development
Policy CF2	-	Foul drainage

2.3 Herefordshire Supplementary Planning Guidance

Re-use and adaptation of rural buildings.

3. **Planning History**

3.1 NW2008/0487/F - Change of use of B1 workshops into 2 number holiday cottages - Withdrawn 6th June 2008.

3.2 NW2000/2864/F - Proposed conversion of redundant farm buildings into 2 number dwellings and B1 workshops - Approved 6th March 2001.

4. **Consultation Summary**

Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 The Transportation Manager raises no objections subject to the inclusion of conditions with regards to turning and parking area provision and secure cycle provision to any approved notice subsequently issued.

5. **Representations**

5.1 Aymestrey Parish Council objects to the proposed development, raising concerns about the amount of holiday lets within the Aymestrey area stating that these are already too high a number and that the addition of the proposed development will worsen the situation. Concerns are also raised with regards to lack of Council enforcement of the existing planning consent for the application site, as well as concerns about parking provision on site.

Information submitted by the Parish Council indicates there are 18 serviced holiday lets and 40 self-catering holiday lets within the Aymestrey area and that the addition of 22 self-catering places, as subject to this application will bring the total amount to 78 places whereas there are only 23 private dwellings in Aymestrey housing 45-50 residents.

5.2 Letters of objection have also been received from the following:

- Heather Yesson, March Rise, Aymestrey
- Eleanor Plant, Wit's End Cottage, Aymestrey
- J & R Scamp, Hillside Cottage, Bacon Lane, Aymestrey
- W & E Willmetts, Clerks House, Aymestrey
- Ken Holland, The Cottage, Aymestrey

- SW and PJ Cartwright, Vicarage Cottage, Aymestrey
- Richard Gresko (Proprietor), Riverside Inn, Aymestrey
- Chris Hold, Lower Lye, Aymestrey
- Jonathon and Mary Heale, Aymestrey Court, Aymestrey

5.3 The above-mentioned objections can be summarised as follows:

- Amount of holiday lets in consideration of permanent dwellings in Aymestrey is already too high.
- Original planning approval for the site was more sustainable for the local community.
- The local infrastructure is insufficient to support the additional increase in holiday accommodation.
- Public highway access and traffic safety concerns.
- Concerns about foul drainage from the site.
- Impact on the amenity of permanent residents in consideration of further increase in holiday provision within the village.

5.4 A letter of objection has also been received from Mrs R Bradbury on behalf of Campaign to Protect Rural England, Herefordshire Branch. Issues are raised that the amount of holiday lets are already too high in relationship to permanent dwellings within the area. Concerns about the status of the current application in consideration of works already carried out on site. Public highway access from the site is sub-standard.

5.5 Letters in support of the application have been received from:

- Julie Lewis, 109 Kings Meadow, Wigmore
- John and Pam Smith, The Farmhouse, Aymestrey

The letters in support of the application can be summarised as follows:

- The proposed development will bring additional work to the area.
- The barns subject to this application were originally in a state of collapse and the works carried out to them have restored them to their original status.
- No demand for family accommodation in Aymestrey.

5.6 A letter in support of the application has also been received from Ann Leedham-Smith, The Old Vicarage, Aymestrey (wife of applicant). This letter states that existing drainage from the site is in accordance with Council Building Control specifications. Traffic generated as a result of the proposed development would not significantly harm the existing public highway infrastructure. Development of the barns has been designed in an eco friendly manner. Overall the proposed development will contribute positively to the local economy boosting jobs and local activities and businesses.

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

6. Officer's Appraisal

6.1 The key issues are:

Principle of the development

- 6.2 The application proposes a commercial use of the site in the form of 4 separate holiday units consisting of 2 units with 2 bedrooms each and 2 units with 3 bedrooms each.
- 6.3 This is an acceptable form of business re-use for buildings of this nature, subject to all other material planning considerations being addressed satisfactory. The issue of unauthorised work should not prejudice the consideration of this application. The applicant has been advised that the continuation of such works is at his own risk.

Sustainability

- 6.4 The site is located in open countryside, within the rural hamlet known as Aymestrey, this settlement does not have a recognised development boundary and is also not classed as a smaller settlement in accordance with relevant policies in the Herefordshire Unitary development Plan. Therefore, the location has little in the way of service facilities.

No information has been provided in support of the application with regards to frequency of public transport, however, the site is located adjacent to the A4110 public highway and it is believed a limited bus service (frequency not known) does link the site to Leominster.

- 6.5 The Design and Access Statement that accompanies the application indicates disabled access can only be provided to one of the proposed units. Policy RST12: Visitor accommodation in the Herefordshire Unitary Development Plan does emphasise the need to incorporate access for the disabled.
- 6.6 Planning Policy statement 7: Sustainable development in rural areas emphasises how tourism proposals should normally be provided in or close to service centres or villages and that Local Planning Authorities should support applications that sustain existing rural businesses such as farm diversification schemes. The site subject to this application does not form part of an existing business and does not appear to be part of a farm diversification scheme.
- 6.7 However, the proposal is for re-use of existing rural buildings, which were granted planning permission on 6th March 2008 for conversion into 2 number dwellings and B1 workshop. Condition number 4 attached to the decision notice, restricted use of the business units to occupants of the two dwellings approved as part of the overall scheme. This scheme was never implemented, although works have been carried out to the buildings on site, not all is in accordance with the approved plans.
- 6.8 Although it is acknowledged that Aymestrey appears to have a high proportion of holiday/tourism developments, as indicated in the Parish Council's response to the application, this however, is not a sufficient basis on which to recommend refusal to the application.

Public highway issues

- 6.9 Many of the letter of objection raise concerns about impact of the proposed development on the adjacent public highway as well as concerns about parking provision on site. It is noted the Council's Transportation Manager raises no objections to the proposed development and, therefore, these concerns cannot be upheld.

Foul drainage

- 6.10 It is noted concerns have been raised about foul drainage from the site. However, a letter dated 17th October 2008, indicates that works carried out on site to date are in accordance with building regulations, the works having been inspected by a Council Building Control Officer. The development subject to this application would also be subject to building control specifications should members be mindful to approve the application.

Conclusion

- 6.11 Although a finely balanced application in that the location for the proposed development is not ideally sustainable in consideration of local services infrastructure and not appearing to represent consolidation of an existing business on site or a farm diversification scheme, the proposal is one for business re-use of suitable rural buildings structurally, on a site within easy access to an 'A' class public highway, and therefore the recommendation is one of approval.

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. **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**

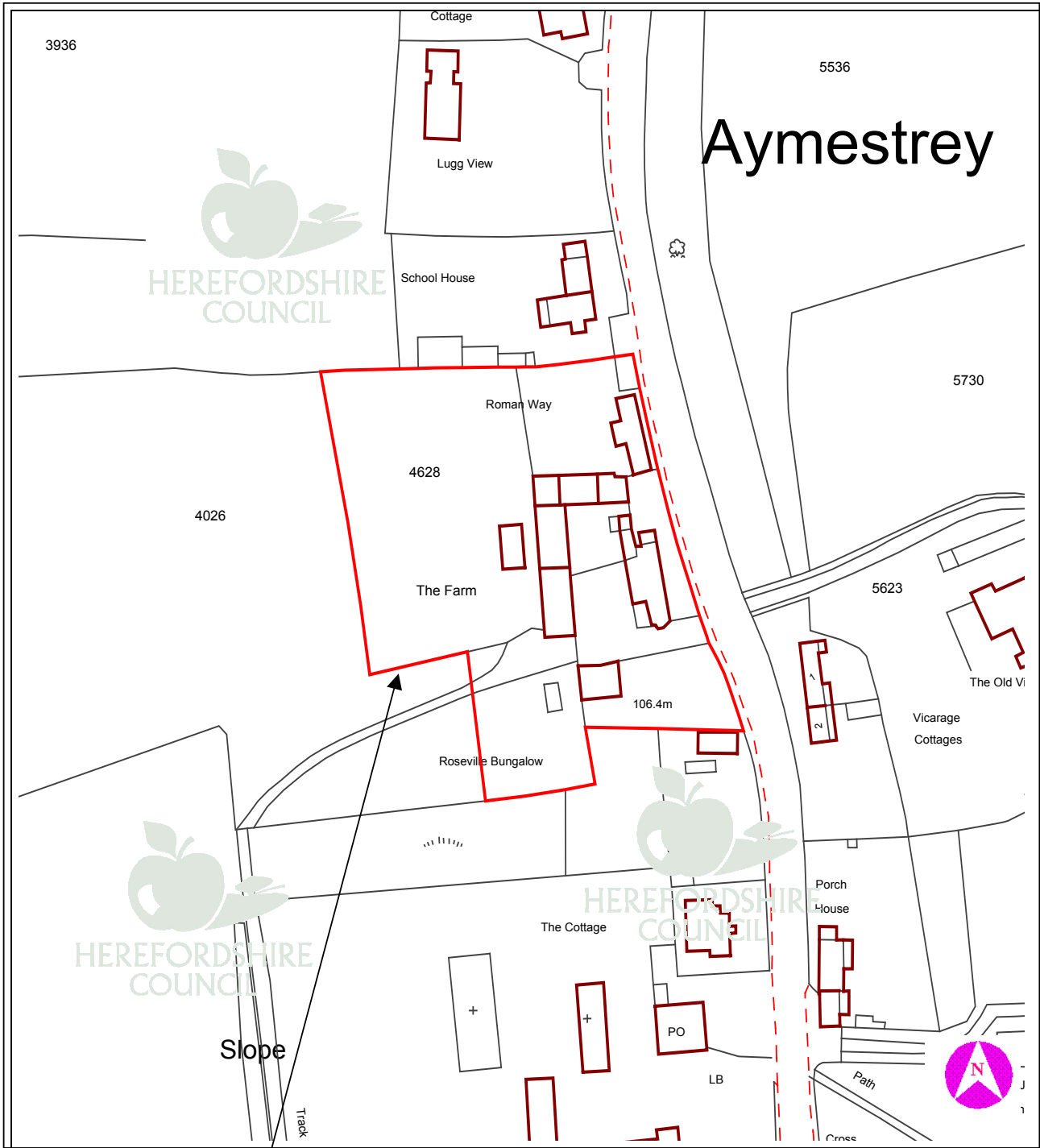
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2008/2309/F

SCALE : 1 : 1250

SITE ADDRESS : Barns The Farm, Aymestrey, Leominster, Herefordshire HR6 9TH

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9 DCNC2008/2165/N - CHANGE OF USE OF AGRICULTURAL LAND TO INDUSTRIAL, ERECTION OF EFFLUENT TREATMENT PLANT, ACCESS ROAD AND OFFICE/CONTROL BUILDING. THE HORTONS, THORNBURY, BROMYARD, HEREFORDSHIRE, HR7 4NF.

For: Mr C Maiden per Mr J Parry, 33 York Road, Bromyard, Herefordshire, HR7 4BE.

Date Received: 19 August 2008

Ward: Bringsty

Grid Ref: 63278, 58128

Expiry Date: 18 November 2008

Local Member: Councillor TW Hunt

1. Site Description and Proposal

- 1.1 The proposal site lies on the C1061 approximately 3.5 km northeast of Bromyard. The nearest residential properties are Horton Bank, Upper Horton and Horton Mews.
- 1.2 The applicant is a registered waste collector emptying septic tanks in the Bromyard area, operating two vacuum tanker vehicles. Collected effluent is currently taken to municipal sewage treatment works (STW) at Kidderminster, Worcester or Hereford. Fuel costs and difficulties in finding capacity at these public facilities have prompted the applicant to seek an alternative solution.
- 1.3 The proposal is to construct a small purpose-built sewage treatment facility on the applicant's own land, comprising:
 - Office/control building, 4.75m x 10m x 4.25m high to the ridge (2.5m to eaves);
 - 2 initial settlement tanks (dia 2.75m x ht 4m), balancing tank, aeration tank and final settlement tank (each dia 6m x ht 2.2m) and optional sand filter (dia 4m x ht 2.2m);
 - Reception area consisting of a concrete apron, screen and skip;
 - Access track (about 160m long) from an existing field entrance off the C1061, along the side of the field, widening out at the end to a turning area
- 1.4 The proposed plant would treat approximately 23 m³ of effluent per week day, with occasional emergency call-outs at other times, estimated at around 1 per month. The process would be conventional Activated Sludge treatment, used at most municipal treatment works, using bacteria to break down and clean the effluent. Final discharge would be to a watercourse, subject to the appropriate licence, via an underground pipe to a small headwall on the River Frome. The applicant has already been granted a Consent to Discharge by the Environment Agency and has stated that a formal agreement with the landowner is being finalised.
- 1.5 The application was publicised as follows: Hereford Times 11 September 2008; site notice 15 September 2008, and letters to adjoining neighbours on 29 August 2008.

2. Policies

2.1 Government guidance:

- PPS1 - Delivering sustainable development
- PPS7 - Sustainable development in rural areas
- PPS10 - Sustainable waste management
- PPS23 - Planning and Pollution Control
- DETR - Circular 03/99 Planning requirement in respect of the Use of Non-Mains Sewerage incorporating Septic Tanks in New Development

2.2 Herefordshire Unitary Development Plan 2007:

- S1 - Sustainable Development
- S2 - Development requirements
- S10 - Waste
- S11 - Community facilities and services
- DR1 - Design
- DR2 - Land use and activity
- DR3 - Movement
- DR4 - Environment
- DR6 - Water resources
- DR9 - Air quality
- DR13 - Noise
- DR14 - Lighting
- E12 - Farm diversification
- E15 - Protection of greenfield land
- T8 - Road hierarchy
- LA2 - Landscape character
- LA5 - Protection of trees, woodlands and hedgerows
- LA6 - Landscaping schemes
- NC8 - Habitat creation, restoration and enhancement
- W1 - New waste management facilities
- CF1 - Utility services and infrastructure

3. Planning History

None affecting the site

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency: No objection in principle, subject to the appropriate consents and exemptions under the Environmental Permitting regime being in place.

Internal Council Advice

- 4.2 Head of Environmental Health and Trading Standards: No objection in principle. Final discharge and site operation would be regulated by the Environment Agency, but the local authority has further enforcement powers on statutory nuisances such as odour. Submitted evidence indicates low background noise levels. Agree that vacuum tanker pumping would be the noisiest part of the operation but of short duration, unlikely to cause a nuisance. Again, the Council has enforcement powers however.

- 4.3 County Archaeologist: No objections
- 4.5 Transport Manager: no objections in principle, recommendation for conditions to set back the gateway, and to approve final details in advance, including surfacing and drainage.
- 4.6 Conservation Manager: Landscape Officer - The applicant has heeded pre-application advice on siting, utilising the existing topography. Small-scale development is capable of assimilation into the landscape without detriment. Conditions recommended to ensure adequate separation of the access road from the existing hedgerow and mature trees.

5. Representations

- 5.1 Thornbury Group Parish Council: Objects, after much debate, on visual impact, odour and noise. The parish Council notes the applicant's valued and reliable service.
- 5.2 Bromyard Town Council: have been consulted because the underground discharge pipe would cross the parish boundary. Any comments will be reported to the Sub-Committee at the meeting.
- 5.3 Twelve letters of support have been received following the applicant's explanation of the project to his neighbours.
- 5.4 Eleven letters of objection have been received from local residents in Edwyn Ralph, Upper Horton and Horton Mews, expressing concerns about the proposal. In summary the letters raise the following points:
- Mr Maiden runs a good local business.
 - What might be the impact of any wind-borne gas on local residents?
 - We would be disturbed by the industrialisation of our neighbourhood.
 - The site is open farmland in a very rural quiet area.
 - It would be a scar on the landscape.
 - It would be visible from the road to Butterley.
 - It should be on a brownfield site such as the trading estate at Bromyard.
 - No attempt has been made to use other existing premises at Collington.
 - Altering the road layout would alter the feel of the area.
 - Additional heavy traffic would increase the likelihood of an accident.
 - The access is on a blind bend.
 - We are not happy about the change of use from agricultural to industrial.
 - The unloading process and the anaerobic tanks would smell.
 - I object if the smell would reach as far as Wood Lane.
 - Sewage plants have a history of being extremely odorous.
 - We object to the smell of septic tank waste from a 30 mile radius of Bromyard.
 - Any noise must comply with the 2008/3250 Environmental Noise Regulations.
 - No noise readings are presented and the pump noise will be a nuisance at night.

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

6. Officer's Appraisal

6.1 The key issues are:

- The need for the development.
- Site choice.
- Land use.
- Visual impact.
- Air quality and noise.
- Traffic.
- Sustainability.

The need for the development

6.2 The applicant has highlighted increasing difficulties in finding capacity at municipal sewage treatment works for septic tank waste disposal and the increasing necessity for making longer journeys at high cost. The many Herefordshire householders without mains sewerage rely on a handful of local firms offering a convenient tank emptying service which is not a council function. The applicant wishes to reduce journey lengths and ensure available capacity. Independent local effluent treatment would also reduce pressure on municipal treatment works by around 5,800 cubic metres per annum, thus providing the community with a valuable service in its own right.

Site choice

6.3 Objectors have suggested the proposal should be on an industrial estate or at other premises nearby but, as the applicant and his agent have pointed out, treatment works need viable access to an acceptable final discharge point. In this case, this has already been arranged in principle. The other locations suggested do not meet these requirements. The site has been chosen for its minimal visual impact, which would be more difficult to achieve elsewhere. The applicant has consulted the Senior Landscape Officer throughout, and the advice given has been heeded. The site is not affected by any landscape, flood risk, heritage or biodiversity designations and does not conflict with policies S2, S10, S11, or W1 of the Herefordshire Unitary Development Plan 2007.

Land use

6.4 In land-use terms, waste treatment is classified as 'industrial' activity, prompting objectors' concerns about a perceived industrialisation of the countryside, citing the existence of 'two large commercial dairy farms and a chicken farm around the village' as evidence of a lack of industrialisation. However, farm equipment, livestock housing, process and storage buildings are commonly on a much larger scale than that proposed. In the context of slurry storage, feed silos and farming paraphernalia, the proposed tanks and processes could be regarded as kindred. The majority of the site area comprises the proposed access track as a strip down the side of an arable field, the remainder of which would continue to be farmed. The proposed treatment compound is indicated in the application as covering 680 m², considerably less area than most single farm buildings occupy. This does not represent a significant loss of agricultural land and the proposal does not conflict with policies DR2, E12 or E15 of the Herefordshire Unitary Development Plan 2007. The project would contribute to sustainable communities and facilities in rural areas and in this context accords with PPS7.

Visual impact

- 6.5 Few houses can be seen from the site, and Edwyn Ralph village is approximately 1 km away. The nearest property to the site belongs to the applicant. Upper Horton and Horton Mews are 450-480m away and screened from the site. Horton Bank is 360m away and distantly visible, but the occupiers have not objected. The slope is south-facing, away from Upper Horton and Horton Mews, and the track would drop by about 11.5 metres from the highway to the facility. The tallest tank would be 4.5m high and set down into the hillside. Due to the slope its top would be slightly lower than the top of arriving delivery tankers. The functional service building would be brick-built with a slate roof, also 4.5m high but further down the slope. No part of the development would break the skyline or be significantly visible from any public viewpoint, and the siting accords with pre-application advice. A planting scheme would soften any impact. There are no landscape designations nearby, and the application demonstrates that the topography has influenced design in accordance with policies DR1 and LA2 of the Herefordshire Unitary Development Plan 2007.

Air quality and noise

- 6.6 PPS10 and PPS23 both make it clear that it is not the function of the planning system to 'control processes which are a matter for the pollution control authorities' or to duplicate requirements under legislation other than planning. The proposal, if permitted, would be controlled by environmental protection legislation, and consideration of the planning application is therefore primarily concerned with land use matters. Nevertheless, it is necessary to establish that the proposal is capable of being thus controlled. In this instance, in addition to the already-granted Consent to Discharge, the applicant would be required to register the site with the Environment Agency under new Environmental Permitting Regulations. Registration would limit the volume of effluent that could be treated and therefore the extent of operational activity. The Agency's view is that the proposal is acceptable and capable of compliance.
- 6.7 The Head of Environmental Health and Trading Standards also has no objections to the proposal. He has commented that although there would be a potential for odour emissions, problems would not be inevitable since, in his professional view, the proposal is small-scale and separation distances from residents are adequate. In the event of a complaint however, Environmental Health Officers would initially investigate under the Environmental Protection Act 1990, referring any established statutory nuisance to the Environment Agency. The Agency have confirmed that they would be the regulatory body for the site and would take appropriate enforcement action to secure odour abatement if necessary. Consultees and Government advice agree that a well-managed site should not cause problems and powers exist to control offenders. In support of this, the application refers to failsafe contingencies and an automated warning system to be installed, which would halt pumping and send automatic text messages to the applicant and his manager in the event of a breakdown. The application also includes a method statement regarding regular inspections and maintenance of the plant. Several objection letters acknowledge the applicant's good credentials whilst raising concerns and fears about odour. Since the chosen system is a tried and tested treatment method and regulation of the site would fall under legislation other than planning, consideration of this application should not seek to duplicate other controls.
- 6.8 The site would generate some noise from pumps and compressors, although utilising gravity fall where possible. The application identifies sludge removal as the noisiest part of the operation, involving transfer from holding tank to tanker every other day, for

about 15 minutes. Also, a capacity pump would lift incoming waste from the reception tank to the initial settlement tanks about twice a day, again for 15 minutes. Except in an emergency, this activity would routinely take place during the daytime not at night. Other smaller pumps would be submerged and the noise-insulated generator and compressor would be housed within the proposed building. These would not be audible outside the site. There should be no noise nuisance due to the distance from dwellings and the short duration of use for the larger pumps, but again the Council has powers under the Environmental Protection Act 1990 to require abatement if a statutory nuisance occurred.

- 6.9 On balance therefore, the environmental aspects of the project would be controlled by legislation other than planning and the appropriate bodies are satisfied that compliance is achievable in accordance with policies DR4, DR9, DR13 and DR14 of the Herefordshire Unitary Development Plan 2007.

Traffic

- 6.10 Objectors have expressed concerns about increases in traffic. The applicant states he has two tankers, with no intention to increase numbers. Each vehicle would routinely make one visit in and out per day, with an occasional need for a second trip. There would be a net reduction in mileage on the wider highway network compared with the present situation, as noted below. Environment Agency consent requirements would limit capacity, which would in turn restrict the number of vehicle movements possible. In this context the proposal does not represent a significant increase in local traffic and would improve capacity elsewhere. The Transportation Manager has no objections and considers visibility at the access point is adequate subject to appropriate conditions. The applicant has enthusiastically agreed to translocate the section of hedge by the gate and infill any gaps with new planting, in consultation Conservation staff.

Sustainability

- 6.11 Mains sewerage provision remains sparse in the county and reliable septic tank services are in demand while populations rise, environmental standards tighten and municipal treatment works operate under increasing pressure. The applicant has calculated that local effluent treatment provision would reduce his total mileage by about 14,500 miles per annum on the wider road network and annually save nearly 1500 gallons of diesel, or 17.66 tonnes of CO₂. As noted, it would also reduce demands on municipal sewage treatment works where capacity is increasingly critical. He employs three workers and this project would secure those jobs. Consultation responses have established that the proposal is small-scale and appropriate for its setting in a carefully chosen location, would enable the applicant to continue to provide a good quality community service, and is capable of meeting environmental requirements. There are no overriding reasons for refusal and the application is therefore recommended for approval.

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 (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**

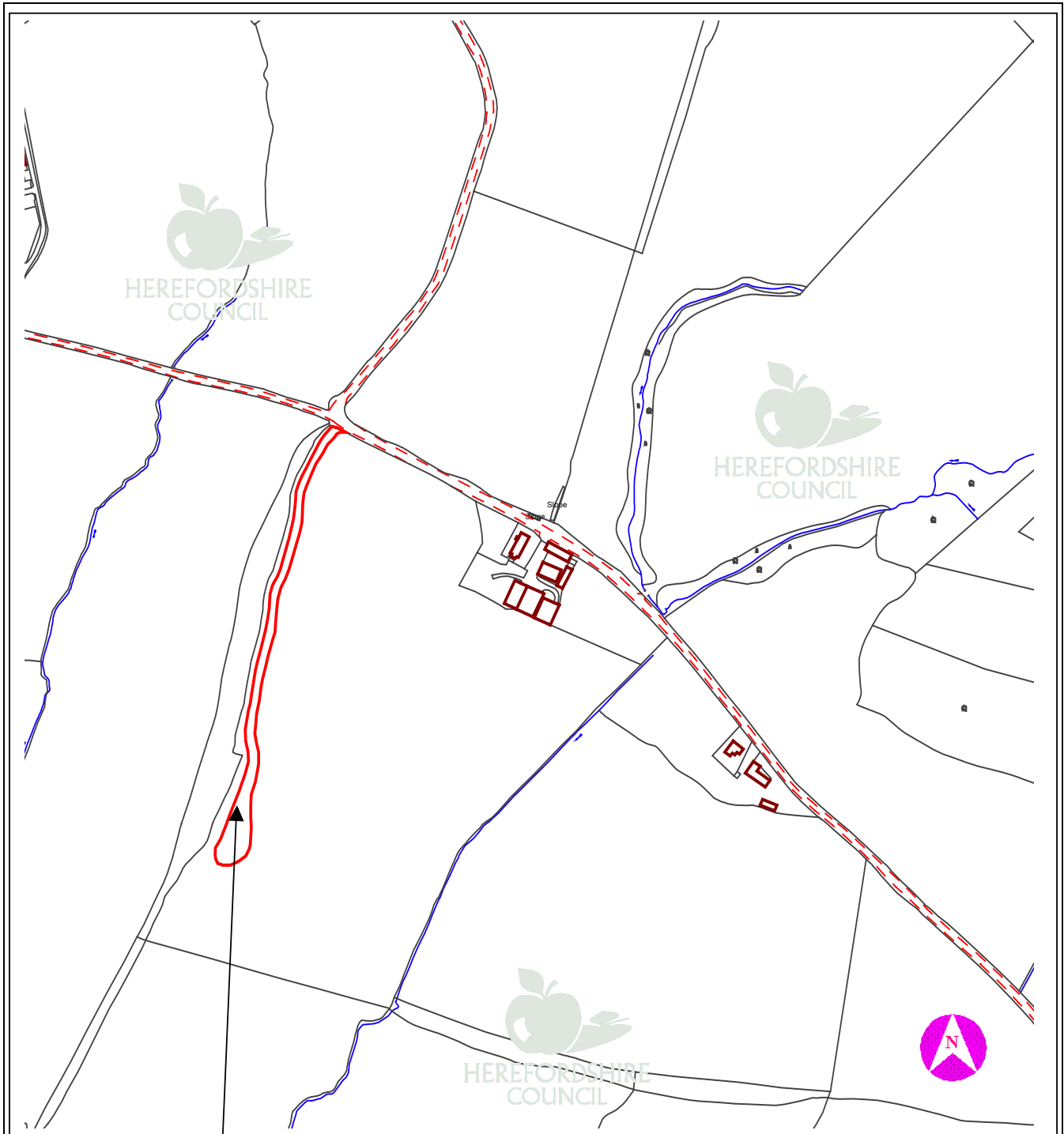
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2008/2165/N

SCALE : 1 : 4000

SITE ADDRESS : The Hortons, Thornbury, Bromyard, Herefordshire, HR7 4NF

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10 DCNW2008/2175/N - ERECTION OF BUILDING TO BE USED AS AN ANIMAL INCINERATOR, TRANSFER AND STORAGE OF CLINICAL WASTE AND WASTE PHOTOGRAPHIC FIXER AND DEVELOPER AT LITFIELD HOUSE, LYONSHALL, KINGTON, HEREFORDSHIRE, HR5 3HX.

For: Animal Funeral Services per Paul Smith Associates, 12 Castle Street, Hereford, Herefordshire, HR1 2NL.

Date Received: 21 August 2008

Ward: Pembridge & Lyonshall with Titley

Grid Ref: 33461, 57033

Expiry Date: 20 November 2008

Local Member: Councillor RJ Phillips

1. Site Description and Proposal

- 1.1 The proposal site lies approximately 4 kilometres east of Kington, accessed from the C1027 road to Titley, 600m or so from the A44. The site comprises an existing yard behind Litfield House and garden. Beyond the yard to the west the land rises steeply, incorporating a disused railway embankment. A pet cemetery adjoins the property to the north. These elements comprise the applicant's business providing services not otherwise available locally to vets, farmers and pet owners.
- 1.2 The proposal is to construct a single storey replacement building, to adjoin and contain the already established animal incinerator. It would be used for storage and all processes connected with the existing business. The application also includes facilities for the storage and transfer of waste photographic developer and fixer, to regularise an already existing use in accordance with Environment Agency Permit requirements. No changes to the existing business are proposed and no alterations to the access would be necessary.
- 1.3 The proposed building would have a pitched roof 3.5 m high to the eaves and 4.5 m to the ridge. It would be 20 m long by 9 m wide with a concrete wash-down apron on the northwest-facing end. It would adjoin the existing incinerator enclosure, which is located in the southeast corner of the site to reduce visual impact. The building would accommodate all existing activities currently undertaken at the site and comprise office, washroom, workshop, stores, cold room and ash storage.
- 1.4 The application was advertised in the Hereford Times on 11 September 2008; a site notice was put up on 8th September 2008, and adjoining neighbours were notified by letter on 1 September 2008.
- 1.5 At the meeting on 22 October 2008, the Northern Area Planning Sub-Committee agreed to undertake a site visit prior to consideration of this case. The visit is scheduled for 4 November 2008 and any matters arising will be reported verbally to Members.

2. Policies

2.1 Government guidance:

PPS 1 Delivering sustainable development
PPS 7 Sustainable development in rural areas
PPS 10 Sustainable waste management
PPS 23 Planning and Pollution Control
DETR Circular 03/99 Planning requirement in respect of the Use of Non-Mains Sewerage incorporating Septic Tanks in New Development

2.2 Herefordshire Unitary Development Plan 2007:

S1 Sustainable Development
S2 Development requirements
S10 Waste
DR1 Design
DR2 Land use and activity
DR3 Movement
DR4 Environment
DR6 Water resources
DR9 Air quality
DR14 lighting
T8 Road hierarchy
LA2 Landscape character
LA4 Protection of Historic Parks & Gardens
LA6 Landscaping schemes

3. Planning History

3.1 The background to this case is complicated and clarification is necessary:

- Leominster District Council granted planning permission reference 87/585 on 14 December 1987 for the siting of an incinerator in an outbuilding and the use of land as a pet cemetery. This permission has been accepted as the relevant existing permission for the site. Since 1987 several other planning applications have been made:
- 91/253 Construction of stable block, approved 4 July 1991 - outside of the current site area and not relevant to the proposal.
- 93/17 Proposed extension to outbuilding. Refused 4 May 1993.
- 93/461 Part use of outbuilding for storage of veterinary waste. Approved 7 December 1993.
- 93/462 Proposed extension to outbuilding, approved 7 December 1993. This was a straight resubmission of the refused 93/17 proposals. In 1995, amended drawings were submitted and accepted, for a final design increasing the size of the building to about 25.4m x 9.8m x 6m high to the ridge and 4.5m to the eaves. Inside, a mezzanine floor increased the floor area by 40 m². or so. The development was carried out but the building was later destroyed. A pre-commencement condition requiring approval of a landscaping scheme was never completed or discharged and other conditions are unclear. The applicant is not relying on this permission for the established use of the land however, as it was not properly implemented.

- 3.2 In 2001 the extended building was destroyed by fire but not replaced. However, new incineration equipment was promptly installed in a temporary enclosure and has been operated since, along with outdoor yard storage in assorted lorry bodies and refrigeration units.
- 3.3 In 2004, an additional incinerator and a replacement building was applied for under reference NW2004/2574/N. The case became further complicated when a Screening Opinion was requested as to whether the proposals would fall within the scope of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (EIA Regs). The Council's initial formal Opinion, issued on 27 February 2004, was that the proposals fell below the threshold criteria. However, this was later revised because the then Minerals & Waste Officer had some doubts and sought advice from the Secretary of State. Following discussion between relevant parties, a revised Screening Opinion was issued on 28 January 2005 to the effect that the proposal would be EIA and that an Environmental Statement would be necessary. The primary consideration was the installation of an extra incinerator and its size/capacity, which would be 300 - 400 kg per hour. The application was withdrawn by the applicant on 9 March 2005.
- 3.4 In 2005/6, discussions took place between the applicant's agent and Council Officers as to the status of the site following the fire. After taking legal advice it was agreed that if a building is accidentally destroyed, a replacement requires planning permission but the established use of the land is not lost. For clarity, the following certificates of lawfulness have been issued:
- NW2006/1474/U: Use of the site for clinical/veterinary waste transfer for a period in excess of ten years, issued 23 June 2006.
 - NW2006/2500/U: Siting and use of one incinerator established under planning permission reference 585/87, issued 22 September 2006.
- 3.5 The Environment Agency (EA) and Environmental Health Officers (EHOs) have discussed their requirements with the applicant at length and investigated a number of complaints about odour, smoke and other environmental issues. The current incinerator was installed in December 2006 and the Environment Agency have confirmed it is compliant. It has been clarified that photographic developer/fixer used for radiography has always formed part of the clinical waste collected from local vets. However, for EA licensing purposes these chemicals are classified differently and need to be specifically mentioned. Defra and EA Permit requirements also dictate that a bio-secure replacement building is essential.
- 3.6 In March 2008 application reference DCNW2008/0692/N was made for a replacement building only. The proposal involved a much larger building than that which was destroyed, and was withdrawn on advice from planning officers. This new application under consideration is a resubmission of that application, for a building on a reduced scale.
- 3.6 To summarise, the application is for a building to replace the one destroyed by fire and to regularise the existing transfer of photographic developer/fixer. It is not concerned with the installation and use of incineration equipment, or the already-established principle of the use of the land for a pet cemetery and clinical waste storage and transfer.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency: Requested further details on foul drainage arrangements. On receipt of the specification of the existing biodisc effluent treatment unit, the Agency has no objections to the proposal, subject to recommended conditions relating to drainage and chemical/fuel storage. The Agency has confirmed that this site is subject to the Environmental Permitting regime and would continue to be regulated by them on matters of air and water quality. Foul drainage would be subject to the appropriate discharge consent - also regulated by the Agency.
- 4.2 Health & Safety Executive: 'The HSE does not advise, on safety grounds, against the granting of planning permission' .
- 4.3 Fire Service: consulted but no response received.

Internal Council Advice

- 4.4 Head of Environmental Health and Trading Standards: No objections to the building or the chemical storage. The site is regulated by the Environment Agency. The Animal Health and Welfare Officer has confirmed that no complaints concerning these premises have been received in his department during 2008 up to 3 October.
- 4.5 Transport Manager: No objections, no highway implications.
- 4.6 Conservation Manager: Landscape Officer -.Comments made 1 April 2008 on the previous (withdrawn) application apply, but the reduced size of the proposed building is noted. The site lies between Lyonshall Park and the Whittern unregistered historic parks. However the former railway and a clump of trees visually separate the site from what remains of a rather degraded parkland character. The rationalisation and tidying up of this existing site would have a neutral or improving effect and therefore no objection is raised in this instance, subject to conditions to secure appropriate boundary treatment. However, any further development at the site could harm the heritage landscape.

5. Representations

- 5.1 Lyonshall Parish Council: Response letter is summarised as follows:
 - Is opposed to any increase or expansion of commercial buildings or activities on this site.
 - Is opposed to the transfer and storage of waste photographic fixer and developer as this is an extension to the existing use.
 - Any replacement building should be of equal size and finish, and should be stone-clad as was the original.
 - The proposed finish for the building is unacceptable.
 - The vehicle access is along narrow lanes unsuitable for heavy traffic.
 - Lyonshall Parish Council requests assurance that there is no future development on the site and that licensed operations are effectively monitored.
- 5.2 One letter of objection has been received from Mr S Llewellyn, The Hope, Lyonshall, Kington, HR5 3HT. The points raised are summarised as follows:
 - I echo the Parish Council's objections.

- There has historically been a nuisance factor consisting of complaints of smells from carcase storage and emissions/noise from plant, which burnt down.
 - The stream has been polluted.
 - The incinerator is used on Sunday mornings and at night.
 - The incinerator is sited in a hollow, subject to air turbulence and inversion layers.
 - The facility belongs on an industrial estate, not down lanes.
- 5.3 The full text of these letters can be inspected at Northern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

- 6.1 As summarised in paragraph 3.6 above, this application is (a) for a replacement building and (b) to regularise the transfer of photographic developer/fixer. It is not concerned with the already-established principle of the installation and use of incineration equipment, or the use of the land for a pet cemetery, incineration, and clinical waste storage and transfer. Matters such as air and water quality or pollution are not relevant to this application, and in any event, the operation of the site falls under the regulation and control of the Environment Agency. Both PPS10 and PPS23 make it clear that local planning authorities 'should not concern themselves with ... the control of processes which are a matter for the pollution control authorities', or seek to duplicate other legislation. However, consistency between planning permissions and Environmental Permitting is important. The 1987 planning permission on which the applicant is relying has regrettably few conditions attached to it, but the permission was duly granted by Leominster District Council at the time.
- 6.2 The key issues in this application are therefore limited to the following:
- The need for the development
 - Siting and design of the proposed building;
 - Visual impact;
 - Chemical storage arrangements;
 - Traffic
 - Drainage
 - Possible intensification of use/s.

The need for the development

- 6.3 As discussed above, the applicant has an established use and business based on a 1987 planning permission. A replacement building is essential for the premises to function properly and to meet Environment Agency requirements.

Siting and design of the proposed building

- 6.4 The building would be sited behind Litfield House and adjacent to the established incinerator, taking into account the site topography. As the Senior Landscape Officer has observed, the adjoining parkland landscape to the west has been degraded and is not visible, due to the railway and other development, and the site is relatively screened from the Whittern. The type of building chosen would be a standard agricultural box profile coated steel design. Although of utilitarian design, its functional use is acknowledged and there seems little point in trying to disguise it as something else. The final colour could be secured by condition.

Visual impact

- 6.5 From the highway the proposed building would be seen against a backdrop of rising ground and tree cover on adjoining land. It would be partially screened by Litfield House, which is about 2.5m higher, and its stable block. The Parish Council have suggested that the replacement building should be 'of equal size and finish' (presumably to the one destroyed), i.e. stone-clad and over 2 metres higher than this proposal. However the applicant's agent has argued convincingly for a less obtrusive, lower, dark-coloured building similar to typical modern agricultural styles. He further contends that stone cladding would create a far more intrusive block of masonry, pointing out that the previous building approved in 1993 and amended in 1995 utilised unattractive artificial stone in its construction. It is also noteworthy that Litfield House is not an example of exceptional architecture. It would seem illogical to imitate the appearance of the house in a functional building, or to replicate a less attractive previous building, and the Parish Council's view is therefore not supported. The proposal stresses that care has been taken to minimise the height of the proposed building and ensure that the domestic scale and style of the dwelling remains clear and dominant, providing a contrast to the operational premises behind. The proposed building would be of a more modest scale than that which it seeks to replace.

Key to this application is that the current unsightly clutter of lorry-bodies, storage units, portable cabins and caravans would be removed from the site and, if granted, a planning permission would include a requirement for site tidying and the prevention of outdoor storage. In particular, the unattractive cabin currently sited on the roadside would no longer be needed as the site office would be within the building. On siting, design and visual impact, there would therefore be an improvement. The requirements of policies DR1, LA2 and LA5 of the Herefordshire Unitary Development Plan 2007 have been observed where relevant, including the aim of tidying up the existing site.

Chemical storage arrangements

- 6.6 This would comprise a purpose-built modular demountable storage container about 2 metres high and 3 metres wide. It would be made of strengthened box profile galvanised steel panels and coloured RAL3000 (Flame Red) for identification. To enable vehicular access it would be sited in the yard on the west side of the site, away from the road and not visible from it. The Environment Agency have not raised any concerns and there are no objections to it. The types and quantities of chemicals allowed on site would be regulated by the Environment Agency.

Traffic

- 6.7 The proposal is intended to rationalise the existing business. Local concerns about traffic are acknowledged but the applicant has confirmed that there is no intention of expanding the scope of the premises through this application, and no additional traffic is likely. The site would be subject to throughput limits imposed by the Environment Agency and the Transport Manager has not raised any concerns.

Drainage

- 6.8 The Environment Agency have accepted that the existing biodisc effluent treatment unit there is adequate to serve the washing facilities in the proposed building. The drainage plan shows existing arrangements for collecting wash-down water and preventing pollution of the culverted stream that crosses the site. The objector's

allegations of pollution have been referred to the Environment Agency, who have re-confirmed (a) that the arrangements are satisfactory, (b) that they will continue to monitor the site on this and other issues to ensure pollution prevention, and (c) that they have full enforcement powers. Local concern is taken seriously, but these issues are peripheral to the consideration of this proposal for a building, since the use is already lawful.

Possible intensification of use/s

- 6.9 Local people have expressed fears about the potential for intensification of use and activity. The general view of Officers has consistently been that expansion in this location would be unsuitable, and that under such circumstances alternative premises should be sought. These views still hold, albeit the existing 1987 permission is unrestricted. The reduced size of the proposed building and the recommended condition to prohibit any outside waste storage (apart from the dedicated chemical store) would restrict intensification. The Environment Agency's limits on the specification for the incinerator and quantities of licensed waste also constitute further limitation. If the applicant did wish to expand, then the terms of the licence would have to be amended by the Agency, provided they were satisfied with the proposal in consultation with the local planning authority. Any future increase to the size of the building would also require planning permission and the Senior Landscape Officer has suggested this would be unlikely to receive support. On balance it is considered that there are adequate safeguards to ensure that any expansion would require further permissions that may or may not be granted but would be considered on their merits at the appropriate time.

7. Conclusion

- 7.1 This report has clarified that the application is for a replacement building and the transfer of waste photographic developer/fixer, not the incinerator or the uses of the site which have been lawful since 1987. A new building to replace that destroyed by fire is essential in order to comply with environmental regulations. Whilst it is appreciated that the business may be unpopular in the immediate vicinity, it nevertheless provides a necessary local service. The applicant has confirmed no intention to expand the business or create additional traffic. The design of building would maintain the character and appearance of Litfield House without dominating it. In a letter dated 15th September 2008 the applicant's agent has sought to justify this stance with reasoned arguments, which are accepted. On balance the queries raised have been carefully considered and addressed, and there are no overriding considerations that would warrant refusal or could withstand an appeal, therefore the proposal is recommended for approval.

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 (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**

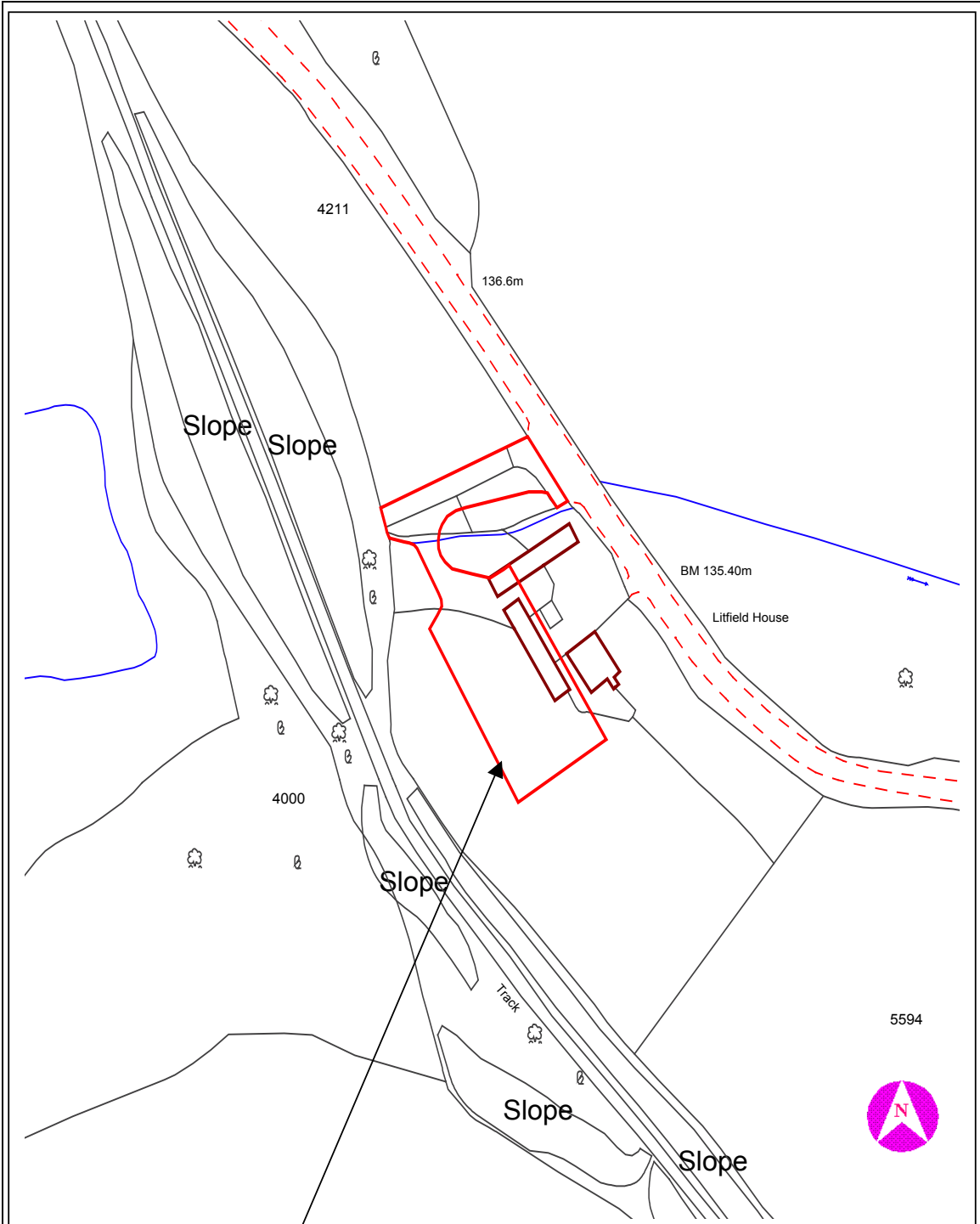
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2008/2175/N

SCALE : 1 : 1250

SITE ADDRESS : Litfield House, Lyonshall, Kington, Herefordshire, HR5 3HX.

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

For: Mr A. Johns per above address

Date Received: 12 June 2008 Ward: Hampton Court Grid Ref: 55420, 50531

Expiry Date: 7 August 2008

Local Member: Councillor KG Grumbley

1. Site Description and Proposal

- 1.1 The application relates to a parcel of land on Chapel Lane in Bodenham and is described as the renewal of permission for the siting of two caravans to house one traveller family.
- 1.2 The site is in open countryside but Chapel Lane is characterised by sporadic residential development along its entire length, being continuous at the heart of the village to being more spaced in the immediate environs of this application site. A large potato storage building is located on the opposite side of the road and is visible from the A417.
- 1.3 The site itself is well maintained and accessed via a very formal entrance defined by decorated brick walls and wrought iron gates. Two mobile homes are situated on the land, opposing each other across a gravelled parking area. Beyond this is a manicured lawn area.
- 1.4 Although described as a renewal, the application is different from that previously approved as it seeks to retain two caravans on the site, whereas the original permission limited this to a single mobile home. Furthermore the original limited occupancy to Mr & Mrs Johns (the applicants). The second mobile home included in this application is required to house their daughters.

2. Policies

Herefordshire Unitary Development Plan

H12 - Gypsies and other travellers

LA2 - Landscape character and areas least resilient to change

3. Planning History

- 3.1 NC04/0293/F - Siting of a residential static caravan - Approved 24/03/04 for a temporary period of 5 years and also subject to a condition that no other caravans should be brought onto the site.

3.2 NC03/2317/F - Creation of a new access - Approved 17/09/03

4. Consultation Summary

4.1 Transportation Manager – No objections

4.2 Travellers Liaison Officer confirm the family's Gypsy status and their reliance on local services including local schooling and doctor's surgery.

5. Representations

5.1 Bodenham parish council - raise no objection to the application but request that it is limited for a five year period as per the previous approval.

5.2 One letter has been received from Mr & Mrs Price, Maundfield Cottage, Bodenham. They do not object but question whether the application includes other structures that have been placed on the land and whether the permission is intended to be permanent.

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

6. Officer's Appraisal

6.1 It is quite clear from the comments received from the Gypsy Liaison Officer that Mr & Mrs Johns are gypsies and therefore the application can be considered on the basis of policy H12 of the UDP.

6.2 The site is reasonably located in relation to local services and facilities. It is within a mile of Bodenham Moor, which has the benefit of a number of local services. It is also located in an area that, although in an area of open countryside in terms of policy considerations, is characterised by a linear pattern of residential development with houses lying to either side of the site.

6.3 The site is small and provides settled occupation for Mr Johns and his immediate family.

6.4 Although the site now accommodates two mobile homes it is discreetly positioned behind a mature roadside hedge and is not readily visible in the wider landscape. The aspect of the development that is most visually prominent are the brick walls positioned to either side of the entrance. Nevertheless this is not so harmful to warrant the refusal the application in its own right due to the residential character of the area and the fact that dwellings along the road are defined by formal entrances.

6.5 The applicant's agent has submitted additional information following a site meeting to discuss the content of the application. This clarifies the applicant's immediate family and provides further details about the principal mobile home on the site. There was some concern that it was permanently fixed and therefore might be considered as operational development. However, following a further inspection and the submission of further details about the current mobile home, these concerns have been satisfied and it is accepted that it meets the criteria for a caravan as specified under the Caravan Sites and Control of Development Act 1960.

- 6.6 The site has been well maintained and provides an open area that is capable of use as a children's play space.
- 6.7 Given that the site complies with the requirements of Policy H12 completely it would be unreasonable to make any planning permission temporary. Similarly a personal permission would be unduly onerous and it is therefore recommended that a condition be imposed which restricts the use of the site to a single gypsy or traveller family, and limits its use to only two mobile homes.
- 6.8 Conditions are also recommended to require further details of a day room and tool shed that are indicated on the plan, that no other buildings or structures shall be placed on the site without written permission and that there should be no outside storage of any materials.
- 6.9 On this basis the proposal is considered to be acceptable and the application is recommended for approval.

RECOMMENDATION

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.

Informatives:

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

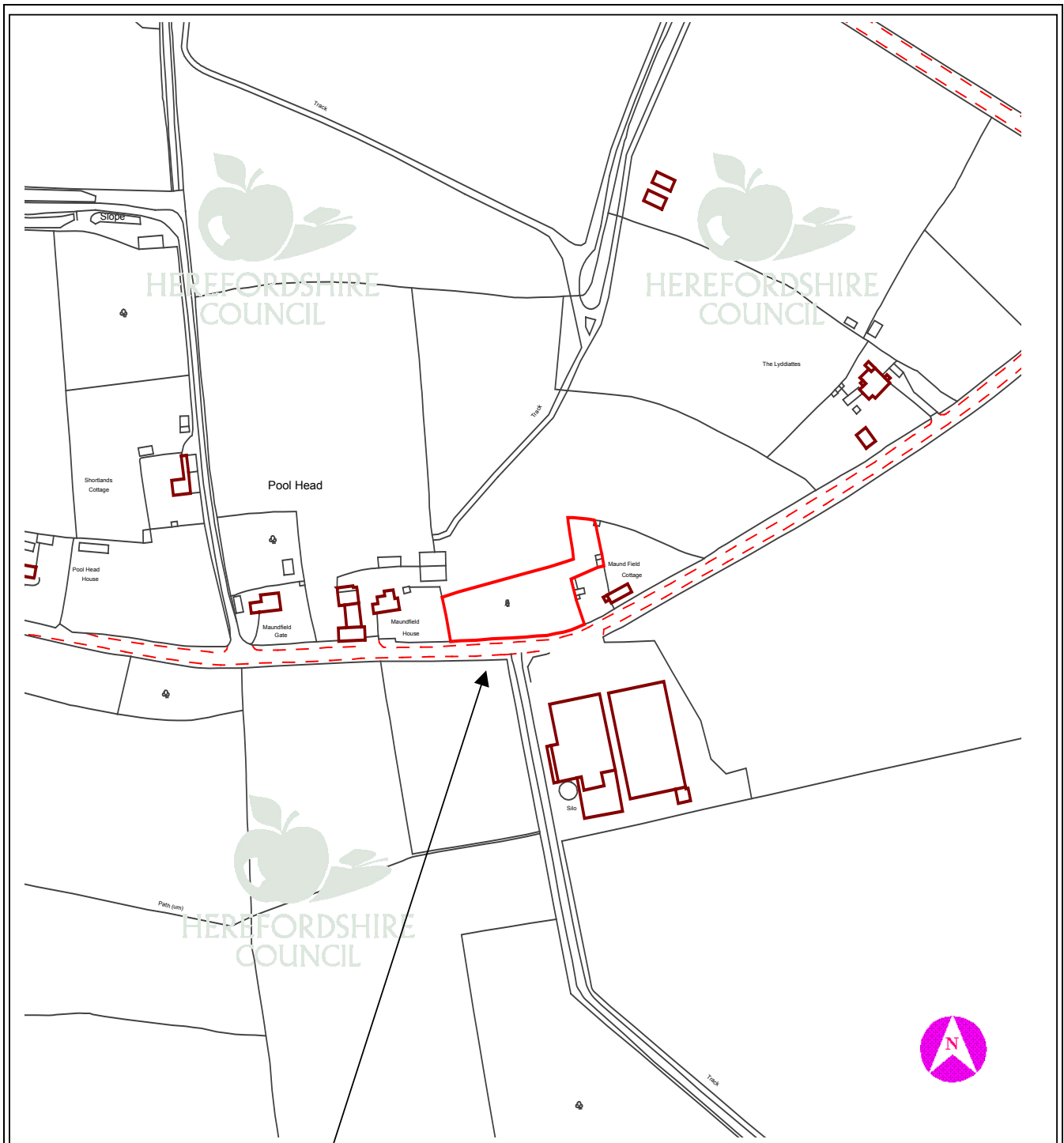
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2008/1565/F

SCALE : 1 : 2500

SITE ADDRESS : Pool Head Orchard, -, Bodenham, Hereford, Herefordshire, HR1 3HP

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Further information on the subject of this report is available from Mr A Banks on 01432 383085 Ext 3085

12 DCNC2008/2286/F - PROPOSED NEW DWELLING AT THE OLD FORGE, PENCOMBE, BROMYARD, HEREFORDSHIRE, HR7 4SH.

For: Mr C. Probert, Plough Farm, Ford Street, Wigmore, Leominster, Herefordshire, HR6 9UW.

Date Received: 2 September 2008 Ward: Bromyard Grid Ref: 60016, 52739

Expiry Date: 28 October 2008

Local Members: Councillors B Hunt and A Seldon

1. Site Description and Proposal

- 1.1 The application site lies within the centre of the village of Pencombe, which is classified as a smaller settlement under Policy H6 of the Herefordshire Unitary Development Plan 2007. It lies opposite the church which occupies a prominent raised position at the centre of the village. Dwellings are arranged in an arc on the opposite side of the road and The Old Forge is one of the older properties in the locality, those immediately adjacent being modern bungalows.
- 1.2 The Old Forge and is a detached 17th century cottage that has been extensively altered over a period of many years. Originally a timber framed cottage it has been re-fronted with red brick and as such, the timber frame is only visible on one gable end (west) and to the rear of the house. Planning permission has recently been granted for the removal of a flat roofed extension attached to the side elevation to be replaced by a two storey addition to the rear.
- 1.3 The property benefits from a large garden to the side and rear, and access and parking to the north west of the house. This area slopes very steeply down by over 8 metres to a stream that forms the southern boundary of the site. On the opposite bank is a public footpath that emerges onto the road to the east of The Old Forge. Immediately beyond the footpath is a dense band of mature trees and vegetation with dwellings beyond.
- 1.4 The garden has been terraced to take account of the slope and the land is currently retained by a series of low stone walls.
- 1.5 The application is for the erection of a single dwelling and associated access and parking area on the area of land immediately to the west of The Old Forge.
- 1.6 The plans show a split-level dwelling, single storey at the front (roadside) and two storey to the rear. They indicate the use of a combination of brick, render and timber boarding with a slate roof.
- 1.7 From the front the dwelling has a very simple appearance. An open fronted car port is included and, with a door and two small windows only, combined with its height of 4.5 metres, it has the appearance of an outbuilding associated with The Old Forge.

- 1.8 The application includes a design and access statement and a Heads of Terms Agreement in accordance with the Council's Planning Obligations Supplementary Planning Guidance.
- 1.9 In addition information has been submitted in relation to the soil profile of the site and an assessment made of whether landslip is likely to occur as a result of this proposal being approved and constructed. It concludes that there can be very little possibility of landslip occurring due to the geology of the local area.

2. Policies

2.1 Herefordshire Unitary Development Plan

DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
H6	-	Housing in smaller settlements
H13	-	Sustainable residential design
T6	-	Walking
T8	-	Road hierarchy
HBA4	-	Setting of listed buildings

3. Planning History

- 3.1 DCNC2008/1494/F - Erection of a new dwelling - Withdrawn
- 3.2 DCNC2008/1495/F - Refurbishment of house and two storey extension - Approved

4. Consultation Summary

Statutory Consultations

- 4.1 None required

Internal Council Advice

- 4.2 Transportation Manager - No objection subject to the imposition of conditions and contributions as per Planning Obligations Supplementary Planning Document.
- 4.3 Public Rights of Way Manager - The proposed erection of a new dwelling would not appear to affect public footpath PG2, which passes along the outside of the south boundary of the site. The path from opposite the church leading down to the footbridge is an Unclassified County Road (U66019), and the comments of my colleagues in Highways & Transportation should be sought with regard to any impact on the unclassified road.

I understand that concern has been expressed locally about the possibility of landslip arising from the additional weight of the development on the slope above the unclassified road and footpath.

The planning authority will need to satisfy itself that there is no danger of landslip onto the PROW below as a consequence of the development. A suitable engineer's report is probably the best solution, and this should perhaps be passed to Martin Jackson, Construction Projects Team Leader, Highways for assessment.

There will be an impact on the visual amenity of the view from the footbridge towards the church from this path, that may bring it into conflict with UDP Policy T6.

I would also be grateful for any condition that protects the existing location and integrity of the boundaries on the south and east boundaries of this site so that the width of the footpath, and the UCR used as a footpath are not compromised in any way.

4.4 Constructions Projects Team Leader – Highways - I agree with the conclusion of the engineers report. There is very little possibility of a land slip from the retaining walls. In addition, from inspection of the height of the wall, design calculations will not be required.

4.5 Conservation Manager - The revised design is more responsive to the topography of the site, and although the building is of two storeys, the single storey street elevation is more deferential to The Old Forge and compatible with the scale of the 20th Century bungalows to the west. The dominance of the vehicular parking and circulation area is less than ideal but it is accepted that highway safety issues require all manoeuvring space to be within the site, and the introduction of a low boundary wall will screen this to some extent.

Therefore no objection is raised subject to conditions relating to external materials and joinery details.

4.6 Manager of Accommodation and Forward Planning - The educational facilities provided for this development site are Bromyard Early Years, Pencombe CE Primary School, Queen Elizabeth Humanities College and Bromyard Youth Service.

The Childcare Sufficiency Assessment highlights that 6% of parents are unable to seek work and 19% unable to take a better job due to childcare issues. Early mornings and evening were highlighted as gaps in childcare as is shift pattern timing.

Pencombe CE Primary School has a planned admission number of 8. As at the Summer Census 2008 the school had 3 Year groups over capacity (Year R - 9, Year 1 - 9 and Year 2 - 9).

Queen Elizabeth Humanities College has a planned admission number of 100. As at the Summer Census 2008 the school had spare capacity in all year groups.

Within Bromyard the library/info centre is used as a 'youth centre', however, this only provides a basic service. Bromyard Youth Service would like to expand its youth facilities to encourage more youth to attend.

Approximately 1% of the population are affected by special educational needs and as such the Children and Young People's Directorate will allocate a proportion of the monies received for Primary, Secondary and Post 16 education to schools within the special educational needs sector.

Please note that the PAN of the above year groups is based on permanent and temporary accommodation, whereas section 3.5.6 of the SPD states that the capacity should be based on the permanent accommodation, therefore, additional children may also prevent us from being able to remove temporary classrooms at Pencombe CE Primary School that we would otherwise be able to do.

The Children & Young People's Directorate would therefore be looking for a contribution to be made that would go towards the inclusion of all additional children generated by this development. The Children and Young People contribution for this development would be as follows:

1 x three bed houses	£4,900
MINUS Secondary element	£1,968
PLUS 1% SEN	£ 19
TOTAL:	£2,951

Although there is currently surplus capacity with the catchment secondary school and therefore we are unable to ask for a full contribution as indicated in the SPD towards this element please note that 1% of this contribution will go towards Special Educational Needs provision within the Local Authority maintained Special Schools and therefore we would still be seeking this 1% contribution.

5. Representations

- 5.1 Pencombe Parish Council - It is not clear from the plans where the proposed low wall is to be constructed in relationship to the existing footpath. Residents are anxious that this footpath does not disappear into the proposed construction, and might in fact, provide an opportunity to improve the footpath facility.
- 5.2 Welsh Water - Raise no objection subject to the imposition of conditions requiring foul and surface water be drained separately from the site and that surface water should not be allowed to connect to the public sewerage system.
- 5.3 Four letters of objection have been received from the following:

Mr & Mrs Jeffrey, Folly Bank, Pencombe
 Mr & Mrs Rushgrove, Shilo, Pencombe
 Mr & Mrs Haner, Causeway Cottage, Pencombe
 Wall, James & Davies Solicitors on behalf of Mr GA Roxburgh (no address given)

In summary the points raised are as follows:

- Large expanse of vehicle parking and turning area and the location of the dustbin store are detrimental to the character and appearance of the area.
 - Insufficient detail about the height of the dwelling in relation to The Old Forge and Curlews Rise.
 - The proposal will be detrimental to the setting of the church.
 - Concern about the position of the low wall adjacent to the road and the loss of the footway that results.
 - Potential that the land will subside and block the watercourse and footpath to the south if the development is approved.
 - Flooding problems elsewhere in the village will be exacerbated by the development.
 - The proposal will result in overlooking of properties to the south.
- 5.4 A 102 signature petition has also been received. It supports the suggestion that the footpath to the east of The Old Forge should be continued, across both its frontage and that of the application site, otherwise the development will make the road more dangerous for pedestrians, the disabled and cyclists.

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

6. Officer's Appraisal

6.1 In order to establish whether the proposal is acceptable as a matter of principle it is first necessary to assess it against Policy H6 of the Unitary Development Plan. It applies three tests that:

- Limit the habitable living space to 90 square metres
- Require the plot size to be a maximum of 350 square metres.
- The infill gap is no more than 30 metres frontage.

6.2 The proposal is actually for a two bed dwelling, but the 90 square metres applies and is complied with as the habitable living area amounts to approximately 80 square metres.

6.3 Excluding part of the parking area and access, which also provides for The Old Forge, the plot size amounts to 340 square metres.

6.4 The distance between the flank walls of The Old Forge and Curlews Rise is 19 metres.

6.5 The proposal therefore complies with Policy H6 and therefore it falls to be considered against other policies relating to design, impact on the surrounding area and highway safety, and any other material planning considerations that are deemed to be relevant.

6.6 Design

It is accepted in some of the objection letters that the proposal represents an improvement over the previously submitted scheme in terms of its appearance and provision of vehicular access and parking. This is endorsed in the comments from both the Transportation and Conservation Managers respectively. The simple design is subservient to The Old Forge and is considered to be of a higher quality than much of the surrounding development, most notably the modern bungalows to both the east and west of the application site that do very little to enhance the setting of the Grade II listed church or The Old Forge itself. Nevertheless, the former occupies a prominent elevated position and is very much the dominant building in the village, being clearly visible from approaches to the south and west.

The proposal is therefore considered to comply with the relevant policies both in terms of its impact and relationship with the local area and in respect of its impact on the setting of the church.

6.7 Highway Safety

The main focus of the comments in relation to this aspect of the proposal have been made with regard to a narrow strip of land across the frontage of both The Old Forge and the application site itself. It measures 0.5 metres at its widest point and is curtailed at the western boundary of the site where there is no footpath at all. However, it is not considered to be a public footpath and does not form part of the public highway. Beyond The Old Forge to the east is a footpath and this does form part of the public highway.

There is no potential for the footpath to be widened in front of The Old Forge either with or without the agreement of the applicant as there is insufficient space to achieve it. Whilst the narrow strip of land might provide a very limited degree of refuge for pedestrians it is not land that falls within the public highway and it is considered that a request to seek its retention is entirely unreasonable given this fact and that it would not be to any adoptable standard. Traffic movements are very slow through this part of the village and there is no evidence to suggest that this strip of land is essential to ensure the continued safety of pedestrians.

6.8 Potential for Land Subsidence

This matter has been investigated and addressed through a report from a Civil Engineer. It concludes that there is very little likelihood of subsidence due to the local geological conditions. Its findings have been confirmed as acceptable by one of the Council's Construction Engineers.

6.9 Increased Flood Risk

The proposal will introduce some new hard surfaces to the area that may increase discharge to the watercourse to the south of the application site. However this can be minimised by ensuring that the vehicle parking and turning area to the front of the proposed dwelling is constructed with a permeable material in order that rainwater can percolate through into the ground as it does at present. This could be reasonably required by condition. Therefore the only new hard surface would be the roof of the dwelling and this is not considered to be so significant in terms of the additional volumes of rainwater that it would generate. Nevertheless, a condition requiring details of a surface water attenuation scheme to be submitted is recommended should planning permission be forthcoming.

6.10 Amenity Issues

One letter of objection raises the issue of overlooking. The property in question lies over 40 metres to the south of proposed dwelling, behind the watercourse and a band of mature trees and vegetation. The distance between the two, allied with the trees means that there will be no demonstrable loss of privacy to the property. Similarly, due to the position of the proposed dwelling in relation to The Old Forge and Curlews Rise, there will be no demonstrable harm to the residential amenity of either dwelling.

It is therefore concluded that the proposal fully accords with the relevant policies. It meets the criteria for dwellings in smaller settlements outlined by Policy H6 and its design is appropriate within the locality. The concerns raised about land subsidence, highway safety, flood risk and amenity issues have been considered but do not represent such significant material planning considerations to withhold permission. The applicant has submitted a Draft heads of Terms Agreement as part of the application and this is appended to the report. It is therefore recommended that the application be approved.

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 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 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.

5 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.

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 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

8 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.

9 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.

10 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.

11 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.

12 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.

13 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.

14 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.

15 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.

16 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

- 5 HN05 - Works within the highway
- 6 HN22 - Works adjoining highway
- 7 HN28 - Highways Design Guide and Specification

Decision:

Notes:

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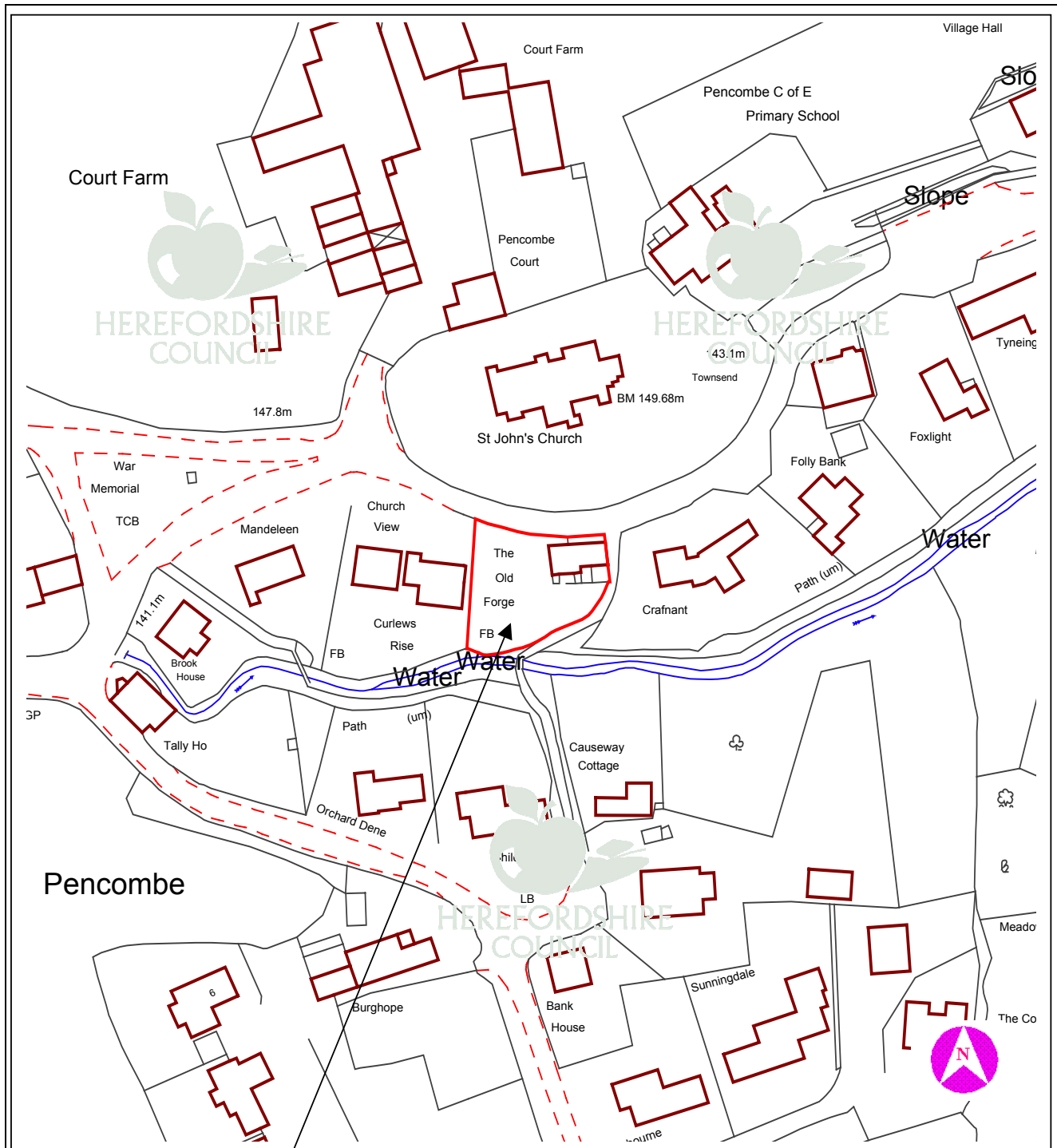
Background Papers

Internal departmental consultation replies.

Heads of Terms Agreement

**Proposed Planning Obligation Agreement
Section 106 Town and Country Planning Act 1990
Planning Application DCNC/2008/2286/F
Proposed two bed dwelling at The Old Forge, Pencombe**

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £2458 for off site highway works and improved public and sustainable transport infrastructure to serve the development (which are not Section 278 works i.e. essential to facilitate development).
2. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes: (This list is not in any order of priority)
 - a) Traffic calming measures in the area
 - b) Improved bus shelters/ stops in the locality of the application site
 - c) Safe Routes for Schools
 - d) Improve lighting and signage to existing highway/ pedestrian and cycle routes leading to the site
 - e) Improved pedestrian and cyclist crossing facilities in the area
 - f) Improvements to public transport services
 - g) Any other purpose falling within the criteria defined in 2 above
3. The developer covenants with Herefordshire Council, in lieu of the provision of open space on the land to serve the development, to pay Herefordshire Council the sum of £235.
4. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
 - a) To improve the quality and accessibility of the more natural and semi natural green space and recreational rights of way in the vicinity of the site.
5. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £496 (In accordance with the Sport England Sport Facility Calculator) for improvements to local facilities within the catchment area of the site.
6. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £2951 to provide enhanced educational infrastructure/ facilities for the nursery, primary, secondary, post 16, youth service and schools within the special educational needs sector lying within the catchment area of the site.
7. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £146 to provide additional library books for the library facilities within the catchment area of the site.
8. The developer covenants with Herefordshire council to pay Herefordshire council the sum of £126 as a 2% surcharge fee for monitoring of the Section 106 Agreement. The sum shall be paid on or before the commencement of the development.
9. In the event that Herefordshire Council does not for any reason use the sum specified in paragraphs 1, 3, 5, 6, 7 and 8 for the purposes specified in the agreement within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
10. All of the financial contributions shall be linked and paid on or before commencement of the residential development unless otherwise agreed in writing with Herefordshire Council.
11. The developer shall pay to the Council on or before the completion of the Agreement the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and administrative completion of the Agreement.
12. The developer shall complete the agreement by (three months after the date of determination) otherwise the application will be registered and deemed refused.



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APPLICATION NO: DCNC2008/2286/F

SCALE : 1 : 1250

SITE ADDRESS : The Old Forge, -, Pencombe, Bromyard, Herefordshire, HR7 4SH

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