

# A G E N D A

## Northern Area Planning Sub- Committee

Date: **Wednesday, 17th December, 2008**

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Time: **2.00 p.m.**

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

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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

### 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

To approve and sign the Minutes of the meeting held on 19 November 2008.

### 4. ITEM FOR INFORMATION - APPEALS

To note the contents of the attached report of the Head of Planning Services in respect of appeals for the northern area of Herefordshire.

#### Pages

1 - 22

23 - 28

## **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.

**5. DCNC2008/2213/F - LAND AT JUNCTION OF WINSLOW ROAD AND DAMSON TREE CLOSE, BROMYARD, HEREFORDSHIRE, HR7 4UQ.**

29 - 36

Proposed erection of three bungalows and associated parking spaces.

**6. DATE OF NEXT MEETING**

14 January 2009

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- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.

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- The nearest bus stop to Brockington is located in Old Eign Hill near to its junction with Hafod Road. The return journey can be made from the same bus stop.

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## **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, 19 November 2008 at 2.00 p.m.**

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

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

**69. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors TM James and RJ Phillips.

**70. DECLARATIONS OF INTEREST**

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

**71. MINUTES**

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

**72. ITEM FOR INFORMATION - APPEALS**

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

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

*Proposed terrace of seven dwellings and associated car parking*

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

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

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

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

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

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

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

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

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

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

## **RESOLVED**

- 1 The Head of Legal Services be authorised to complete a planning obligation under Section 106 of the town and Country planning Act 1990 as set out in the draft Heads of Terms Agreement and deal with any other appropriate terms, matters or issues;**
- 2 Upon completion of the above-mentioned planning obligation officers named in the Scheme of delegation be authorised to issue planning permission subject to the following conditions.**
  - 1 A01 (Time limit for commencement (full permission))**

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

- 2** Prior to commencement of the development hereby permitted, written details and samples of the materials to be used in the construction of the external surfaces of the building hereby permitted shall be submitted to the Local Planning Authority for their written approval. The development hereby permitted shall not commence until the Local Planning Authority has given such written approval. The development shall be carried out in strict accordance with the approved materials and thereafter maintained as such.

**Reason:** To ensure a satisfactory appearance to the development.

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

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

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

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

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

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

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

**Reason:** To ensure a satisfactory appearance to the development.

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

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

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

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

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

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

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

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

Reason: In the interests of human health.

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

Reason: In the interests of human health.

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

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

a flooding problem and to minimise the risk of pollution.

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

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

**INFORMATIVES:**

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

2 N19 - Avoidance of doubt - Approved Plans

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

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

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

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

**RESOLVED**

**That planning permission be granted subject to the following conditions**

- 1 A02 (Limit for submission of reserved matters (outline permission))

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

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

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

- 3 A04 (approval of reserved matters)

Reason: To enable the local planning authority to exercise proper control over these aspects of the development and to secure compliance with policy DR1 of the Herefordshire Unitary Development Plan.

**4 A05 (Plans and particulars of reserved matters)**

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

**5 B07 (Section 106 Agreement)**

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

**6 H13 (Access turning area and parking)**

**Reason:** In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan

**7 H27 (Parking for site operatives)**

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

**8 H29 (Secure covered cycle parking provision)**

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

**9 I19 (Drainage in accordance with approved plans)**

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

**Informatives:**

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

**2 Planning obligations - Supplementary Planning Documents April 2008**

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

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

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

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

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

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

**RESOLVED**

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

- 1 A01 (Time limit for commencement (full permission))**  
**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**
- 2 C01 (Samples of external materials)**  
**Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan**
- 3 The use of the site and building hereby approved shall be limited to the operations of one Heavy Goods Vehicle only, by the applicant and for no other purpose.**  
**Reason: The Local Planning Authority would not be prepared to permit an expanded business in the open countryside, unsustainable location, close to the applicants own home.**
- 4 The building hereby approved shall be dismantled and removed from the site upon cessation of this use by the applicant.**  
**Reason: The Local Planning Authority would not be prepared to permit this proposal in this location other than on the basis of the applicant personal need.**
- 5 G10 (Landscaping scheme)**  
**Reason: In order to maintain the visual amenities of the area and to conform with Policy LA6 of Herefordshire Unitary Development Plan.**
- 6 G11 (Landscaping scheme - implementation)**  
**Reason: In order to maintain the visual amenities of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.**

**Informatives:**

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

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

*Proposed conversion to four holiday lets.*

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

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

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

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

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

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

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

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

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

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

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

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



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

**RESOLVED**

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

- 1 A01 (Time limit for commencement (full permission))**  
**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**
- 2 C02 (Matching external materials (extension))**  
**Reason: To ensure the external materials harmonise with the existing building so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan**
- 3 F14 (Removal of permitted development rights)**  
**Reason: To ensure the character of the original conversion scheme is maintained and to comply with Policy HBA12 of Herefordshire Unitary Development Plan.**
- 4 F30 (Use as holiday accommodation)**  
**Reason: In consideration of the business re-use of the development in order to comply with policies HBA12 and DR5 of the Herefordshire Unitary Development Plan.**
- 5 H13 (Access, turning area and parking)**  
**Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan**
- 6 H29 (Secure covered cycle parking provision)**  
**Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.**

**Informatives:**

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

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

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

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

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

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

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

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

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

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

**RESOLVED**

**That planning permission be granted subject to the following conditions**

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

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

**2 B01 (Development in accordance with the approved plans)**

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

**Pre-commencement requirements**

**3 C01 (Samples of external materials)**

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

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

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

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

- 5 G10 (Landscaping scheme)

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

- 6 G11 (Landscaping scheme - implementation)

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

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

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

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

- 8 I33 (External lighting)

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

- 9 I09 (Sound insulation of plant and machinery)

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

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

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

**11 H06 (Vehicular access construction)**

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

**12 H13 (Access, turning area and parking)**

**Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan.**

**Restrictions**

**13 H05 (Access gates)**

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

**14 G02 (Retention of trees and hedgerows)**

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

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

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

**16 F06 (Restriction on Use)**

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

**17 F02 (Restriction on hours of delivery)**

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

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

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

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

**19 F14 – Removal of permitted development rights**

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

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

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

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

**Informatives**

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

with Defra soil-handling guidance, available at [www.defra.gov.uk](http://www.defra.gov.uk)

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

8 N19 - Avoidance of doubt - Approved Plans

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

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

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

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

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

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

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

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

#### **RESOLVED**

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

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

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

2 B01 (Development in accordance with the approved plans)

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

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

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

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

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

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

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

**5 G09 (Details of Boundary treatments)**

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

**6 I33 (External lighting)**

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

**7 F06 (Restriction on Use)**

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

**8 F14 – Removal of permitted development rights**

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

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

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

**9 G02 (Retention of trees and hedgerows)**

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

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

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

**11 M13 (Pollution prevention)**

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

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

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

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

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

**Informatives:**

**1 Any discharge to controlled waters will require discharge consent**



under the Water Resources Act 1991.

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

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

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

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

**RESOLVED**

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

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

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

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

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

- 4 I45 (Restriction of open storage)

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

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

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

**Informatives:**

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

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

*Proposed new dwelling.*

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

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

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

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

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

**RESOLVED**

**That Officers named in the Scheme of Delegation to Officers, in consultation with the Chairman and Local Ward Members, be authorised to issue planning permission subject to the following conditions and any further conditions considered necessary by officers:**

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

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

**2 C01 (Samples of external materials)**

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

**3 D05 (Details of external joinery finishes)**

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

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

**4 G09 – Details of Boundary treatments**

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

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

**5 G10 (Landscaping scheme)**

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

conform with Policy LA6 of Herefordshire Unitary Development Plan.

**6 G11 (Landscaping scheme - implementation)**

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

**7 H13 (Access, turning area and parking)**

**Reason:** In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan

**8 H29 (Secure covered cycle parking provision)**

**Reason:** To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

**9 I16 (Restriction of hours during construction)**

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

**10 I21 (Scheme of surface water regulation)**

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

**11 I43 (No burning of material/substances)**

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

**12 F14 (Removal of permitted development rights)**

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

**13 L01 (Foul/surface water drainage)**

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

**14 L02 (No surface water to connect to public system)**

**Reason:** To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment so as to comply with Policy CF2 of Herefordshire Unitary Development Plan.

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

**Reason:** To prevent hydraulic overload of the public sewerage system

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

**16 F08 (No conversion of garage to habitable accommodation)**

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

**17 B07 (Section 106 Agreement)**

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

**INFORMATIVES:**

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

**81. DATE OF NEXT MEETING**

17 December 2008

The meeting ended at 4.35 p.m.

**CHAIRMAN**



<b>ITEM FOR INFORMATION - APPEALS</b>
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**APPEALS RECEIVED****Application No. EN2008/0093/ZZ**

- The appeal was received on 29th October 2008
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mr W Harding
- The site is located at Ash Farm, Leysters, Herefordshire
- The breach of planning control alleged in this notice is "Without planning permission the material change of use of an agricultural building and associated hardstanding to use of the building as a workshop and for storage together with use of the hardstanding for parking of vehicles and storage of stone, both in relation to the operation of a stone polishing and shaping business."
- The requirements of the notice are: Permanently cease use of the building for storage and workshop purposes for operation of a stone polishing and shaping business
- The appeal is to be heard by Inquiry

**Case Officer: Julia Shields on 01432 261560**

**Application No. DCNW2008/0515/F**

- The appeal was received on 25th November 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 PS Williams
- The site is located at Land to the rear of Mortimers Cross Inn, Mortimers Cross, Leominster, Herefordshire, HR6 9PD
- The development proposed is Change of use of land for erection of five holiday chalets in landscaped gardens.
- The appeal is to be heard by Written Representations

**Case Officer: Mark Tansley on 01432 261956**

**APPEALS DETERMINED****Application No. DCNC2007/3954/F**

- The appeal was received on 1 July 2008
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr & Mrs Cosnett
- The site is located at Chestnut Pool Cottage, Tedstone Wafre, Bromyard, Herefordshire, HR7 4PY
- The application, dated 10 March 2007, was refused on 5 February 2008

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

- The development proposed was Conversion of garage/storeroom to holiday let accommodation (resubmission of DCNC2007/1097/F).
- The main issues are (i) the acceptability of the proposal having regard to the development plan policies governing development in the rural area; (ii) whether or not the access to the proposed development is hazardous to road safety.

**Decision:** This application was refused under Delegated Powers on 5 February 2008  
The appeal was **DISMISSED** on 21 October 2008

**Case Officer: Julia Shields on 01432 261560**

**Application No. DCNW2007/3144/F**

- The appeal was received on 2 June 2008
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr & Mrs Crabtree c/o Mr A Common
- The site is located at Compasses Hotel, Ford Street, Wigmore, Leominster, Herefordshire, HR6 9UN
- The application, dated 5 October 2007, was refused on 14 November 2008
- The development proposed was Proposed owners house.
- The main issue is whether the proposed house would preserve or enhance the character or appearance of the Wigmore Conservation Area and preserve the setting of adjacent listed building.

**Decision:** This application was refused under Delegated Powers on 14 November 2008.  
The appeal was **DISMISSED** on 20 October 2008

**Case Officer: Philip Mullineux on 01432 261808**

**Application No. DCNW2008/0364/F**

- The appeal was received on 30 June 2008
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr & Mrs P Sheppard
- The site is located at Lion Cottage, Upper Hill, Leominster, Herefordshire, HR6 0JZ
- The application, dated 24 January 2008, was refused on 25 March 2008
- The development proposed was Proposed two storey extension.
- The main issue is the effect of the proposed extension on the character and appearance of Lion Cottage.

**Decision:** This application was refused under Delegated Powers on 25 March 2008.  
The appeal was **DISMISSED** on 20 October 2008

**Case Officer: Kelly Gibbons on 01432 261781**

**Application No. DCNW2007/3633/F**

- The appeal was received on 9 June 2008
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission

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



- The appeal was brought by BJ Layton & Co
- The site is located at Park Gate Farm, Lyonshall, Herefordshire, HR5 3HY
- The application, dated 19 November 2007, was refused on 29 February 2008
- The development proposed was Change of use from agricultural land to 6 holiday lodges (lodge style caravans).
- The main issue is the impact of the proposed development upon the character and appearance of the surrounding countryside.

**Decision:** This application was refused by Committee on 29 February 2008.  
The appeal was **DISMISSED** on 20 October 2008

**Case Officer: Kelly Gibbons on 01432 261781**

**Application No. DCNW2007/3142/L**

- The appeal was received on 9 June 2008
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr AR Friedl
- The site is located at Pughs Yard Barn, Meadow Street, Weobley, Herefordshire
- The application, dated 7 August 2007, was refused on 20 November 2007
- The development proposed was Proposed new garden room
- The main issue is whether the proposed garden room would preserve the special architectural and historic interest of the Grade II listed building.

**Decision:** This application was refused under Delegated Powers on 20 November 2007  
The appeal was **DISMISSED** on 20 October 2008

**Case Officer: Rebecca Jenman on 01432 260336**

**Application No. DCNW2007/3141/F**

- The appeal was received on 9 June 2008
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr AR Friedl
- The site is located at Pughs Yard Barn, Meadow Street, Weobley, Herefordshire
- The application, dated 18 August 2007, was refused on 20 November 2007
- The development proposed was Proposed new garden room
- The main issue is whether the proposed garden room would preserve the special architectural and historic interest of the Grade II listed building.

**Decision:** This application was refused under Delegated Powers on 20 November 2007.  
The appeal was **DISMISSED** on 20 October 2008

**Case Officer: Rebecca Jenman on 01432 260336**

**Application No. DCNC2007/3211/O**

- The appeal was received on 9 May 2008

- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by NG Taylor
- The site is located at Baymores Cottage, Bringsty, Nr Worcester
- The application, dated 15 August 2007, was refused on 27 November 2007
- The development proposed was Site for the erection of a bungalow
- The main issue is the effect of the proposed development on the character and appearance of the area having regard to the provisions of the development plan

**Decision:** This application was refused under Delegated Powers on 27 November 2007  
The appeal was **DISMISSED** on 15 October 2008

**Case Officer: Andrew Banks on 01432 383085**

**Application No. EN2008/0032/ZZ**

- The appeal was received on 14 July 2008
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mr P Llewelin
- The site is located at Land at The Marsh, opposite Little Downfield, Rushock, Kington Herefordshire, HR5 3SD
- The breach of planning control alleged in this notice is "Use of an agricultural building, to a mixed use for agriculture and for use as a carpentry workshop for the operation of a carpentry and joinery business."

**Decision:** The appeal was **WITHDRAWN** on 10 November 2008

**Case Officer Kelly Gibbons on 01432 261781**

**Application No. DCNW2007/3488/F**

- The appeal was received on 12 June 2008
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr P Llewelin
- The site is located at Land at The Marsh, opposite Little Downfield, Rushock, Kington, Herefordshire, HR5 3SD.
- The application, dated 7 November 2007 , was refused on 13 March 2008
- The development proposed was Retrospective application for the change of use of part of an agricultural building to joinery workshop.

**Decision:** The appeal was **WITHDRAWN** on 10 November 2008

**Case Officer: Kelly Gibbons on 01432 261781**

**Application No. DCNC2008/0480/F**

- The appeal was received on 5 June 2008
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission

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

- The appeal was brought by Mr W Harding
- The site is located at Ash Farm, Leysters, Leominster, Herefordshire, HR6 0HP
- The application, dated 18 February 2008 , was refused on 29 April 2008
- The development proposed was Retrospective application for the change of use of building from agriculture to storage and workshop and of land to storage and parking.

**Decision:** The appeal was **WITHDRAWN** on 13 October 2008

**Case Officer: Julia Shields on 01432 261560**

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



**5 DCNC2008/2213/F - PROPOSED ERECTION OF THREE BUNGALOWS AND ASSOCIATED PARKING SPACES. LAND AT JUNCTION OF WINSLOW ROAD AND DAMSON TREE CLOSE, BROMYARD, HEREFORDSHIRE, HR7 4UQ.**

**For: Wall, James & Davies, 15-23 Hagley Road, Stourbridge, West Midlands, DY8 1QW.**

**Date Received: 26 August 2008**

**Ward: Bromyard**

**Grid Ref: 64509, 54632**

**Expiry Date: 21 October 2008**

Local Member: Councillors B Hunt and A Seldon

**1. Site Description and Proposal**

- 1.1 The application site lies within an established residential housing estate, situated west of the town centre of Bromyard and is located within the settlement boundary as defined within policy H1 of the Herefordshire Unitary Development Plan.
- 1.2 The site comprises of a vacant area of land, sited on the corner of Winslow Road and Damson Tree Close, and has previously had the benefit of planning permission for a large detached bungalow (Planning reference DCNC2002/3128/F), although this has now lapsed.
- 1.3 The proposal is a resubmission of a similar withdrawn proposal (DCNC2007/2994/F) and seeks planning permission to construct a terrace of three bungalows, with parking to the front and private rear gardens. These comprise of two one-bedroom dwellings and one two-bed dwelling, and would be constructed using bricks and will have a tiled roof.
- 1.4 The application includes a design and access statement and a draft Heads of Terms Agreement in accordance with the Council's Supplementary Planning Guidance on Planning Obligations.
- 1.5 In addition, a drainage study including a soil infiltration survey has been carried out by 'Sutton Surveys' and submitted to show how a sustainable urban drainage system, combined with adequate compensation to foul water flows can be achieved on the site. This has been carried out following previous concerns in respect of comments from Welsh Water.

**2. Policies**

Herefordshire Unitary Development Plan

DR1	-	Design
DR3	-	Movement
DR6	-	Water resources
H1	-	Hereford and the market towns: settlement boundaries and established residential areas

H13 - Sustainable residential design

### 3. Planning History

DCNC2007/2994/F - 2 No. one bedroom, and 1 No. two bed dwelling: Withdrawn

DCNC2002/3128/F - Proposed bungalow: Approved

MH94/1668 - Erection of detached bungalow & garage: approved

MH93/1053 - Erection of 13 dwellings: Approved

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 Welsh Water - Objection to the development as it would overload the existing public sewerage system. No improvements are planned within Dwr Cymru Welsh Water's Capital Investment Programme and therefore any development prior to the improvements being undertaken would be premature.

#### Internal Council Advice

- 4.2 Transportation - No objection subject to conditions
- 4.3 Building Control - Sustainable drainage system and compensation measures are appropriate and not considered to pose any real impact upon existing sewerage system.

### 5. Representations

- 5.1 Bromyard and Winslow - Objection to the development on the basis that:
- It would constitute over-development of the site
  - It is not in keeping with the surrounding development
  - The soak-away does not support the development
  - There will be additional strain on the already over-stretched sewerage system in Bromyard
- 5.2 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 Principle of development

The site lies within an established residential estate and is located within the settlement boundary of Bromyard, (As defined within Policy H1 of the Herefordshire Unitary Development Plan) where there is a presumption in favour of residential development.

The site has also benefited from previous planning permissions from 1993 to as recent as 2002, and as such, there appears to be no objection in principle to the proposal and therefore it falls to be considered against other policies in respect of scale and design, and the impact on the locality.

## 6.2 Design

Whilst this site occupies a very small parcel of land within a very large housing estate, where there is much variety in the scale and design of properties; within this immediate locality, the surrounding properties are predominantly single storey dwellings. In addition it is noted that immediately north of the site, there is an existing terrace of three bungalows, which are of similar proportions to those proposed and which appear to share a similar sized plot.

Although the dwellings are compact, they provide for a reasonable standard of living accommodation with all rooms being independent, and each having access to a private rear garden. On site car parking for two cars is provided for each dwelling with secure cycle storage, which the transportation officer is satisfied with in respect of satisfying the relevant highway design and safety standards.

The development proposes to use brick with a tiled roof, and a condition will be recommended to ensure that prior approval be given for materials and landscaping on site. As such, it is my opinion that the development provides for sustainable residential design and will in time harmonise with the locality. The proposal is therefore considered to comply with the relevant policies both in terms of its design and its impact and relationship with the local area.

## 6.3 Drainage/Sewerage

One of the main issues to be satisfied is in respect of the impact that the development will have on the public sewerage system. It is clear from the response received from Welsh Water in respect of this application and others before it that the existing public sewerage system is under strain; a situation that is also acknowledged within the Parish Council's response.

The applicant in an attempt to overcome this issue, has undertaken a drainage assessment of the site which includes recommendations for a soak-away to be constructed, allowing all impermeable surfaces proposed for the development to be surface water drained to a soak-away, which will be constructed across the rear gardens of the bungalows. A recommendation is also made to include 'compensation' measures to be taken in respect of a bungalow to the north of the site, (also within the applicants ownership) whereby part of an existing paved area will be disconnected from the foul sewer and diverted to this soak-away, thus reducing the impact upon the public sewerage system.

The only indirect/direct connection to be made to the public sewerage system therefore will be in respect of the foul-water flow from the development. Given that this is a development of three small bungalows with a total of four bedrooms, the foul-water flow arising from these properties will be relatively low level. Welsh Water's objection the developer has a right to request a connection to the Sewage Treatment Works, there may be a cost involved but that is a matter between the development and Welsh Water. It is my opinion therefore that provided that an adequate planning condition is recommended to ensure that the proposed drainage arrangements are carried out as detailed in the application, that the development would not present such a significant impact upon the public sewerage system such as to warrant a refusal.

## 6.4 Amenity Issues

The Council have received no objections against this proposal on these grounds, and it is my opinion, given the location of the site and orientation of the properties that the development would not pose any risk to neighbouring residential amenity. The properties are sufficiently distanced from the surrounding dwellings and there will be no risk of overlooking or loss of privacy caused by the development.

In conclusion, the proposal fully accords with the criteria of the relevant policies and whilst the main consideration has been given to the concerns raised in respect of the impact upon the public sewerage system, it does not appear to represent such a significant harm, such as to withhold a planning permission. As such, a conditional approval is recommended.

A draft Heads of Terms agreement has been submitted as part of this application and is appended to this report.

**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 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 F14 (Removal of permitted development rights )**

**Reason: 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.**

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



**Reason:** In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan.

**8 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.

**9 None of the dwellings shall be occupied until works for the disposal of sewage and surface water have been provided on the site to serve the development hereby permitted, in accordance with the approved drainage details and plans date stamped 26th August 2008.**

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

**10. No development shall commence until the developer has secured the necessary right/ permission to connect the foul water system from the development to the mains connection of the Sewage Treatment Works. Written confirmation of this shall be provided to the local planning authority in advance of commencement of works on site.**

**Reason:** In order to ensure that satisfactory drainage arrangements are provided and to comply with Policy DR4 of the Herefordshire Unitary Development Plan 2007

**11 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.

**12 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.

**13 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.

**14 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 Planning Permission**
- 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 HN10 - No drainage to discharge to highway**
- 7 HN28 - Highways Design Guide and Specification**

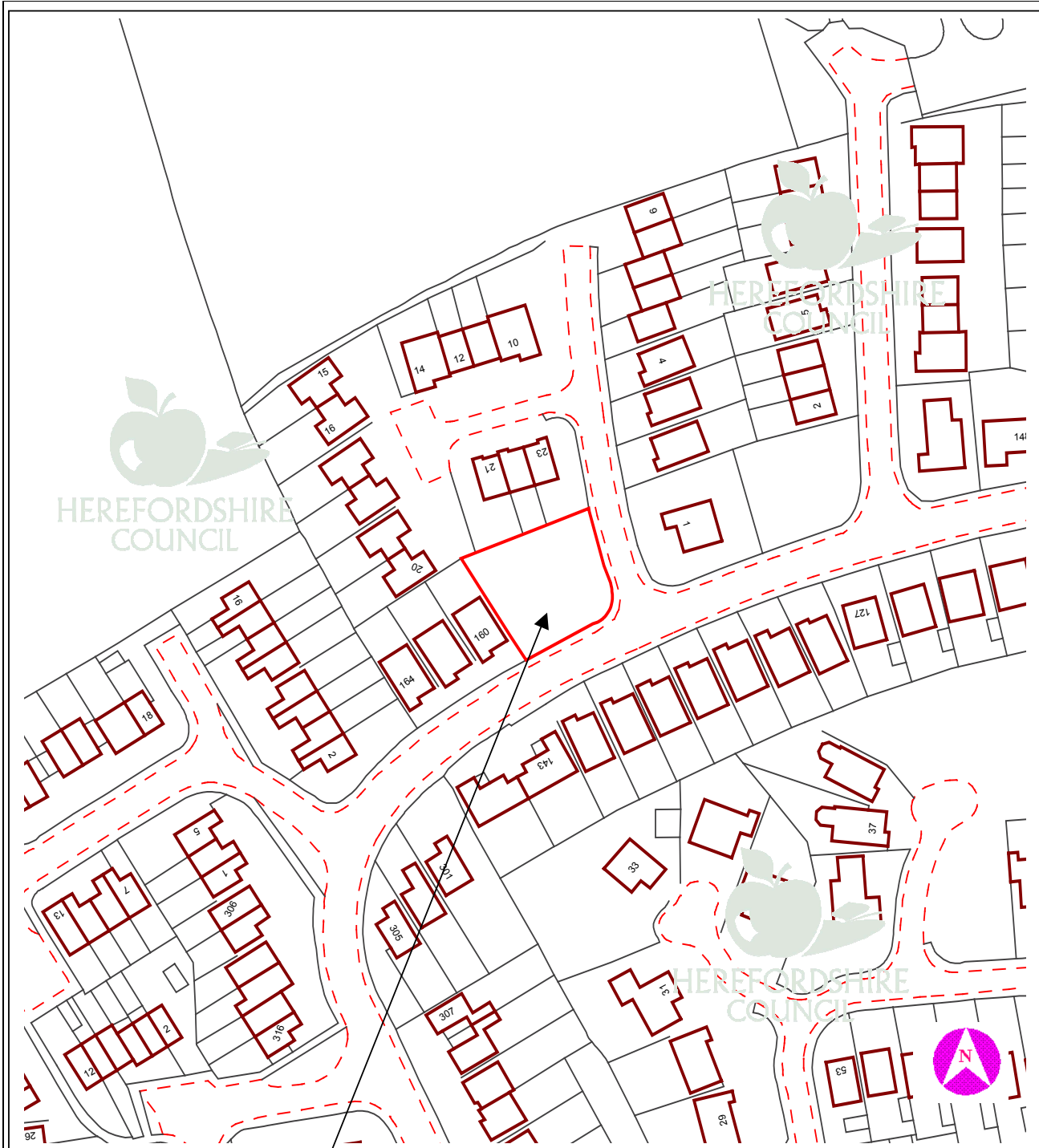
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCNC2008/2213/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Land at junction of Winslow Road and Damson Tree Close, Bromyard, Herefordshire, HR7 4UQ.

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

**Planning Application DCNC2008/ 2213/F**  
**Proposed 3 No. Bungalows and parking spaces**

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 £621 which sum shall be paid on or before the commencement of development. The monies shall be used by Herefordshire Council at its option for improvements to the quality/ accessibility of the more formal green space in Bromyard. Priorities to spend will be identified through local consultation. The monies may be pooled with other contributions if appropriate.
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £1314 (in accordance with the Sport England Sport Facility calculator) for improvements to be paid on or before the commencement of the residential development. The monies may be pooled with other contributions if appropriate.
3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £2951 to provide education improvements to Bromyard Early Years, St Peters Primary School and Bromyard Youth Service. This sum shall be paid on or before the commencement of development.
4. The development covenants with Herefordshire Council, to pay Herefordshire Council the sum of £5325 to provide sustainable transport measures in Bromyard. The sum shall be paid on or before the commencement of development. The monies shall be used by Herefordshire Council at its option for any or all of the following purposes:
  - a) Pedestrian access improvements near the development and within Bromyard
  - b) Improvements to bus provision/ passenger waiting facilities
  - c) Improvements to safe routes to local schools etc.
  - d) Contributions to safe routes to schools
  - e) Funding for Sustainable Transport Officers
5. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £386 to provide improved library facilities in Bromyard. The sum shall be paid on or before the commencement of development.
6. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £210 as a 2% surcharge fee for the monitoring of the planning obligation. The sum shall be paid on or before the commencement of development.
7. In the event that Herefordshire Council does not for any reason use the sum specified in paragraphs 1, 2, 3, 4, 5, and 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 said sum or such part thereof, which has not been used by Herefordshire Council.
8. The sums referred to in paragraphs 1, 2, 3, 4, 5, and 6 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.
9. 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.
10. The developer shall complete the agreement by 17<sup>th</sup> March 2009 otherwise the application will be registered as deemed refused.