

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