

# A G E N D A

## Central Area Planning Sub-Committee

Date: **Wednesday, 11th February, 2004**

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Time: **2.00 p.m.**

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Place: **Council Chamber, Brockington**

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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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# AGENDA

## for the Meeting of the Central Area Planning Sub-Committee

To: Councillor D.J. Fleet (Chairman)  
Councillor R. Preece (Vice-Chairman)

Councillors Mrs. P.A. Andrews, Mrs. W.U. Attfield, Mrs. E.M. Bew, A.C.R. Chappell, Mrs. S.P.A. Daniels, P.J. Edwards, J.G.S. Guthrie, T.W. Hunt (ex-officio), G.V. Hyde, Mrs. M.D. Lloyd-Hayes, R.I. Matthews, J.C. Mayson, J.W. Newman, Mrs. J.E. Pemberton, Ms. G.A. Powell, Mrs. S.J. Robertson, Miss F. Short, W.J.S. Thomas, Ms. A.M. Toon, W.J. Walling, D.B. Wilcox, A.L. Williams, J.B. Williams (ex-officio) and R.M. Wilson.

	Pages
1. <b>APOLOGIES FOR ABSENCE</b> To receive apologies for absence.	
2. <b>DECLARATIONS OF INTEREST</b> To receive any declarations of interest by Members in respect of items on the Agenda.	
3. <b>MINUTES</b> To approve and sign the Minutes of the meeting held on 14th January, 2004.	1 - 12
4. <b>ITEM FOR INFORMATION - APPEALS</b> To note the Council's current position in respect of planning appeals for the Central Area.	13 - 14
5. <b>HEAD OF PLANNING SERVICES REPORT</b> To consider and take any appropriate action on the attached reports of the Head of Planning Services in respect of the planning applications received for the Central Area and to authorise him to impose any additional conditions and reasons considered to be necessary.	15 - 90
Plans relating to planning applications on this agenda will be available for inspection by Members during the meeting and also in the Council Chamber from 1.30 p.m. on the day of the meeting.	
<b>EXCLUSION OF THE PUBLIC AND PRESS</b>	
In the opinion of the Proper Officer, the next item will not be, or is likely not to be, open to the public and press at the time it is considered.	
<b>RECOMMENDATION:</b>	<b>THAT the public be excluded from the meeting for the following item of business</b>

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

**6. ITEM FOR INFORMATION - ENFORCEMENT**

91 - 92

To note the Council's current position in respect of enforcement matters for the Central Area.

**[12) Any instructions to counsel and any opinion of counsel (whether or not in connection with any proceedings) and any advice received, information obtained or action to be taken in connection with:**

- (a) any legal proceedings by or against the authority, or**
- (b) the determination of any matter affecting the authority (whether, in each case, proceedings have been commenced or are in completion)**

**14) Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.]**

**7. DATE OF NEXT MEETING**

The next scheduled meeting is Wednesday 10th March, 2004.

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## **YOU HAVE A RIGHT TO:-**

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt information'.
- Inspect agenda and public reports at least three clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. A list of the background papers to a report is given at the end of each report. A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and 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.
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, its Committees and Sub-Committees and to inspect and copy documents.
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### **Please Note:**

Agenda and individual reports can be made available in large print. Please contact the officer named on the front cover of this agenda **in advance** of the meeting who will be pleased to deal with your request.

The meeting venue is accessible for visitors in wheelchairs.

A public telephone is available in the reception area.

## **Public Transport Links**

- Public transport access can be gained to Brockington via the bus service which runs every half hour from the 'Hopper' bus station at the Tesco store in Bewell Street (next to the roundabout junction of Blueschool Street / Victoria Street / Edgar Street).
- 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.

If you have any questions about this agenda, how the Council works or would like more information or wish to exercise your rights to access the information described above, you may do so either by telephoning officer named on the front cover of this agenda or by visiting in person during office hours (8.45 a.m. - 5.00 p.m. Monday - Thursday and 8.45 a.m. - 4.45 p.m. Friday) at the Council Offices, Brockington, 35 Hafod Road, Hereford.

# **COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL**

**BROCKINGTON, 35 HAFOD ROAD, HEREFORD.**

## **FIRE AND EMERGENCY EVACUATION PROCEDURE**

In the event of a fire or emergency the alarm bell will ring continuously.

You should vacate the building in an orderly manner through the nearest available fire exit.

You should then proceed to Assembly Point J which is located at the southern entrance to the car park.

A check will be undertaken to ensure that those recorded as present have vacated the building following which further instructions will be given.

Please do not allow any items of clothing, etc. to obstruct any of the exits.

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





**MINUTES of the meeting of the Central Area Planning Sub-Committee held at Brockington, 35 Hafod Road, Hereford, on Wednesday 14th January, 2004 at 2.00 p.m.**

**Present:** Councillor D.J. Fleet (Chairman)  
 Councillor R. Preece (Vice-Chairman)  
 Councillors Mrs. P.A. Andrews, Mrs. E.M. Bew, A.C.R. Chappell, Mrs. S.P.A. Daniels, P.J. Edwards, J.G.S. Guthrie, R.I. Matthews, J.C. Mayson, J.W. Newman, Mrs. J.E. Pemberton, Ms G.A. Powell, Mrs. S.J. Robertson, W.J.S. Thomas, Ms A.M. Toon, W.J. Walling and R.M. Wilson.

**In attendance:** Councillors T.W. Hunt (ex-officio) and J.B. Williams (ex-officio)

**50. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Mrs. W.U. Attfield, G.V. Hyde, Mrs. M.D. Lloyd-Hayes, D.B. Wilcox and A.L. Williams.

**51. DECLARATIONS OF INTEREST**

The following declarations of interest were made.

<u>Councillor(s)</u>	<u>Item</u>	<u>Interest</u>
Ms. A.M. Toon	Ref. 1 and Ref. 2 - DCCE2003/2814/F and DCCE2003/2815/C Demoliton of existing house and outbuildings and erection of 11 no. flats with associated car parking and Full demoliton of existing buildings and associated single storey outbuildings at: <b>SOUTHBANK HOUSE, 33 SOUTHBANK ROAD, HEREFORD, HR1 2TL</b>	Declared a personal interest.
J.C. Mayson and P.J. Edwards	Ref. 3 – CW2002/3058/M Extraction of sand and gravel; erection of aggregate processing plant and ancillary facilities / infrastructure; construction of new access; diversion of utility services and continued use of rail sidings for loading/dispatch of aggregates at: <b>LAND AT MORETON DEPOT, OFF A49, MORETON ON LUGG, HEREFORDSHIRE</b>	Both Members declared prejudicial interests and left the meeting for the duration of this item.

Mrs. S.J. Robertson	Ref. 5 – DCCE2003/3285/G Modification of planning obligations under S.106A dated 17/01/92 and 28/08/96. Obligations:- To not cause or permit any person other than an elderly person or chronically sick or disabled person to reside within any part of property or any extension thereto at land to south-west side of Lugwardine Court Orchard at: <b>LUGWARDINE COURT, LUGWARDINE, HEREFORDSHIRE, HR1 4AE</b>	Declared a prejudicial interest at the start of the meeting but there was no debate on this application as it was to be directly referred to the Planning Committee for determination.
Mrs. S.P.A. Daniels	Ref. 6 – DCCE2003/2159/F First floor bedroom extension and lift for disabled use to side of property at: <b>24 HOPTON CLOSE, BARTESTREE, HEREFORDSHIRE, HR1 4DQ</b>	Declared a personal interest during this item.
P.J. Edwards	Ref. 7 – DCCW2003/1332/O Proposed erection of B1 (offices and light industry) and B8 (wholesale storage distribution) floorspace at: <b>MORETON PARK, MORETON-ON-LUGG, HEREFORD, HR4 8DS</b>	Declared a prejudicial interest and left the meeting for the duration of this item.

**52. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 1st December, 2003 be approved as a correct record and signed by the Chairman.

**53. REPORT OF THE HEAD OF PLANNING SERVICES**

The report of the Head of Planning Services was presented in respect of the planning applications received for the Central Area.

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

The meeting ended at 2.47 p.m.

**CHAIRMAN**

**APPENDIX**

Ref. 1  
**HEREFORD**  
DCCE2003/2814/F  
&  
Ref. 2  
**HEREFORD**  
DCCE2003/2815/C

Demolition of existing house and outbuildings and erection of 11 no. flats with associated car parking:

&  
Full demolition of existing buildings and associated single storey outbuildings at:

**SOUTHBANK HOUSE, 33 SOUTHBANK ROAD, HEREFORD, HR1 2TL**

For: **H. MORGAN PER JAMIESON ASSOCIATES, 30 EIGN GATE, HEREFORD, HR4 OAB**

The Principal Planning Officer noted that consideration of these applications had been deferred at the last meeting in view of concerns that the building would be overbearing. However, following further discussions with the applicant's agent, no amendments were proposed. The Principal Planning Officer reminded the Sub-Committee that the issue of overbearing impact was not raised by the Inspector in respect of a similarly positioned and proportioned proposal on this site which was previously dismissed at appeal. The Sub-Committee was advised that it was not considered that a refusal based on the overbearing impact of the proposal could be sustained in planning terms and unreasonable in the light of the recent planning history.

The Legal Practice Manager drew attention to the extract of the appeal decision, as reproduced in the report, and noted that the opportunity for debate on this application was limited given the Inspector's comments.

Councillor W.J.S. Thomas felt that this proposal addressed the previous objections and spoke in support of the application.

In response to a question from Councillor W.J. Walling, the Principal Planning Officer noted that the Head of Engineering and Transportation had no objection to the proposal subject to conditions and noted that it was evident from the appeal decision that the impact of the previous proposal on highway safety was considered satisfactory.

Councillor P.J. Edwards noted that the slight increase in the height of the proposed building through pitched roofs was not considered sufficiently significant to warrant objection.

**RESOLVED:**

**In respect of DCCE2003/2814/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. The development shall be carried out in all respects strictly in accordance with the approved plans (drawing nos. 3772.P20, .P21, .P24, .P25, .P26, .P27, and .P28) except where otherwise stipulated by conditions attached to this permission.**

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

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

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

- 4. During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: Monday-Friday 7.00 am-6.00pm, Saturday 8.00 am-1.00 pm nor at any time on Sundays, Bank or Public Holidays.**

**Reason: To protect the amenity of local residents.**

- 5. E18 (No new windows in specified elevation) (south-west and north-east facing)**

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

- 6. The south-west and north-east facing side elevation windows shall be glazed with obscured glass and fixed shut.**

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

- 7. Notwithstanding the details shown on the approved drawings, full details of the intended treatments of the rear (south-west) boundary of the site shall be submitted for approval in writing by the local planning authority prior to the commencement of any other works, and the intended treatment shall be carried out as approved prior to occupation of the units.**

**Reason: The application contains insufficient information for the satisfactory approval of this detail at this stage.**

- 8. F20 (Scheme of surface water drainage).**

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

**9. F22 (No surface water to public sewer).**

**Reason: To safeguard the public sewerage system and reduce the risk of surcharge flooding.**

**10. F48 (Details of slab levels).**

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

**11. G02 (Landscaping scheme (housing development)).**

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

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

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

**13. G18 (Protection of trees).**

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

**14. H14 (Turning and parking: change of use - domestic).**

**Reason: To minimise the likelihood of indiscriminate parking in the interests of highway safety.**

**15. H27 (Parking for site operatives).**

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

**16. H29 (Secure cycle parking provision).**

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

**17. F18 (Scheme of foul drainage disposal).**

**Reason: In order to ensure that satisfactory drainage arrangements are provided.**

**Notes to Applicant:**

**1. HN19 - Disabled needs.**

**2. The applicant is advised to ensure that there are no bats or other protected species in the existing buildings prior to their demolition. It is an offence to kill or injure protected**

species and their habitats. If protected species are found then English Nature should be contacted and their requirements met.

3. N01 - Access for all.
4. N03 - Adjoining property rights.
5. N13 - Control of demolition - Building Act 1984.
6. N14 - Party Wall Act 1996.

In respect of DCCE2003/2815/C:

That Conservation Area Consent be granted subject to the following conditions:

1. C01 (Time limit for commencement (Listed Building Consent)).

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

2. C14 (Signing of contract before demolition).

Reason: Pursuant to the provisions of Section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Ref. 3  
**MORETON-ON-LUGG**  
CW2002/3058/M

Extraction of sand and gravel; erection of aggregate processing plant and ancillary facilities / infrastructure; construction of new access; diversion of utility services and continued use of rail sidings for loading / dispatch of aggregates at:

**LAND AT MORETON DEPOT, OFF A49, MORETON-ON-LUGG, HEREFORDSHIRE**

For: **TARMAC LIMITED PER SLR CONSULTING LIMITED,  
STRELLEY HALL, MAIN STREET, STRELLEY VILLAGE,  
NOTTINGHAM, NG8 6PE**

The Principal Planning Officer (Minerals and Waste) reported the following:

- details of the groundwater monitoring scheme had been received on 12th January, 2004 and, therefore, the gaps in recommended condition 16 would be filled in;
- the Highways Agency maintained its Direction that if planning permission was granted it had to be in accordance with conditions prescribing the formation of a new roundabout and specified access details;
- a unilateral agreement of works and costs had been received from the applicant; and

- that planning permission would be subject to a Section 106 of the Town and Country Planning Act 1990 in respect of the planning obligations.

Councillor J.G.S. Guthrie felt that it would be helpful if the Sub-Committee undertook a site visit.

The Principal Planning Officer (Minerals and Waste) noted that the value of a site visit would be to view the highways aspects of the proposal rather than the proposed extraction site.

A number of Members commented on local concerns regarding highway safety and spoke in support of a site visit.

In response to questions, the Principal Planning Officer (Minerals and Waste) briefly outlined the main features of the proposal.

In accordance with the criteria for public speaking, Mrs. Lane had registered to speak against the application and Mr. Lawer had registered to speak in support of the application but both deferred the opportunity to speak until the site visit had been held.

**RESOLVED:**

**That consideration of planning application CW2002/3058/M be deferred for a site visit.**

Ref. 4  
**CROSS KEYS**  
DCCE2003/2935/F

Change of use of land for domestic curtilage together with retention of summerhouse at:

**MARSHFIELD COTTAGE, CROSS KEYS, HEREFORDSHIRE, HR1 3NN**

For: **MR. & MRS. LANCETT PER MR. J.I. HALL, NEW BUNGALOW, NUNNINGTON, HEREFORD, HR1 3NJ**

In accordance with the criteria for public speaking, Mr. Matthews and Mrs. Williams spoke against the application and Mr. Hall spoke in support of the application.

In response to comments made by the speakers regarding flooding issues, the Principal Planning Officer advised that, whilst some concerns were expressed, the Environment Agency had not recommended refusal of this application.

Councillor R.M. Wilson commented that some work had been undertaken to clear out the Little Lugg in recent times and noted that it was not considered that a refusal based on flooding issues could be sustained.

In response to a question from Councillor Ms. A.M. Toon, the Principal Planning Officer advised that the use of land for domestic curtilage would normally allow permitted development rights but, given the comments of the Environment Agency, a condition was recommended which would remove these rights.

**RESOLVED:**

That planning permission be granted subject to the following condition:

1. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure, or garages, outbuildings or other buildings shall be erected other than those expressly authorised by this permission.

**Reason:** To safeguard the amenities of the locality and to protect the flood plain from inappropriate development, in accordance with Policies C1 and C44 of the South Herefordshire District Local Plan.

**Note to Applicant:**

1. The decision to grant planning permission has been taken having regard to the policies and proposals in the South Herefordshire District Local Plan set out below, and to all relevant material considerations including Supplementary Planning Guidance:

**Policies C1 and C44**

This informative is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report by contacting Reception at Blueschool House, Blueschool Street, Hereford (Tel: 01432-260342).

Ref. 5  
**LUGWARDINE**  
DCCE2003/3285/G

Modification of planning obligations under S.106A dated 17/01/92 and 28/08/96. Obligations:- To not cause or permit any person other than an elderly person or chronically sick or disabled person to reside within any part of property or any extension thereto at land to south-west side of Lugwardine Court Orchard at:

**LUGWARDINE COURT, LUGWARDINE, HEREFORDSHIRE, HR1 4AE**

For: **TRUSTEES OF LUGWARDINE EDUCATION CENTRE PER FLINT & COOK, 4 KING STREET, HEREFORD, HR4 9BW**

The Chairman reported that this application would be directly referred to the Planning Committee for determination as the Central Area Planning Sub-Committee had already expressed a view on 11th June, 2003.



Ref. 6  
**BARTESTREE**  
DCCE2003/2159/F

First floor bedroom extension and lift for disabled use to side of property at:

**24 HOPTON CLOSE, BARTESTREE, HEREFORDSHIRE, HR1 4DQ**

For: **MR. J.W. LOCKE OF THE SAME ADDRESS**

In accordance with the criteria for public speaking, Mr. Gough spoke against the application and Mr. Locke spoke in support of the application.

The Central Divisional Planning Officer advised that this application had taken longer than normal to reach this stage so that a workable method of extending the property could be brought forward having regard to the personal circumstances of the applicant. He added that the recommended conditions should address the issue of overlooking and the potential noise of the proposed lift.

Councillor R.M. Wilson, the Local Member, noted the amount of work that had gone into this proposal and felt that there was no planning reason to warrant refusal.

A number of Members commended the application.

**RESOLVED:**

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

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

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

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

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

3. **Prior to the use or occupation of the extension hereby permitted, and at all times thereafter, the window[s] marked "X" on the approved plans shall be glazed with obscure glass only and shall be non-opening.**

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

4. **Prior to the installation of the proposed lift, full manufacturer details of the lift, including the method of fixing and noise insulation shall be submitted to and approved in writing by the local planning authority. The lift shall be installed in accordance with these details and the insulation retained until such time that the lift is removed.**

**Reason: In the interests of the amenities of the neighbouring**

property.

**Notes to Applicant:**

1. **N03 - Adjoining property rights.**
2. **N14 - Party Wall Act 1996.**
3. **The decision to grant planning permission has been taken having regard to the policies and proposals in the South Herefordshire District Local Plan set out below, and to all relevant material considerations including Supplementary Planning Guidance:**

**Policy GD1 - General Development Criteria  
Policy SH23 - Extensions to Dwellings**

**This informative is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report by contacting Reception at Blueschool House, Blueschool Street, Hereford (Tel: 01432-260342).**

Ref. 7  
**MORETON-ON-LUGG**  
DCCW2003/1332/O

Proposed erection of B1 (offices and light industry) and B8 (wholesale storage distribution) floorspace at:

**MORETON PARK, MORETON-ON-LUGG, HEREFORD, HR4 8DS**

For: **GREATWEST INVESTMENTS LTD. PER PRC FEWSTER, 32 VICTORIA ROAD, SURBITON, SURREY, KT6 4JJ**

The Central Divisional Planning Officer outlined the reasons why a site visit was recommended in this instance.

In accordance with the criteria for public speaking, Mr. Welsh had registered to speak in support of the application but deferred the opportunity to speak until the site visit had been held.

**RESOLVED:**

**That Members of the Central Area Planning Sub-Committee undertake a site visit to consider the potential impact of this development on the character and appearance of the area.**

Ref. 8  
**HEREFORD**  
DCCW2003/3376/F

Temporary erection of one metal container to provide storage for tractor and associated implements (previous approval no. CW2000/0783/F) at:

**DONKEY SANCTUARY, BELVEDERE LANE, HEREFORD**

For: **HEREFORD CATHEDRAL SCHOOL PER JAMIESON ASSOCIATES, 30 EIGN GATE, HEREFORD, HR4 OAB**

The Planning Assistant reported the receipt of the comments of the

Conservation Area Advisory Committee (objections, it was considered that the container was unsightly and did not enhance the Conservation Area) and the Conservation Officer (no objections to temporary planning permission).

Councillor Mrs. E.M. Bew, the Local Member, advised that she had not received any representations from local residents.

In response to a question by Councillor P.J. Edwards, the Central Divisional Planning Officer advised that it would not be reasonable to require planting to screen the container as it was considered that the proposal did not cause significant harm to the Conservation Area but that any permission should be limited to a period to expire in January 2006.

The Central Divisional Planning Officer noted that future proposals could not be prejudged.

**RESOLVED:**

**That the application be referred to the Environment Agency, and subject to them confirming that they will not be referring the application to the Secretary of State then planning permission be granted subject to the following condition and any other conditions considered necessary by the Environment Agency:**

- 1. This permission shall expire on 14th January 2006. Unless further permission is granted in writing by the local planning authority prior to the end of that period, the use hereby approved shall permanently cease.**

**Reason: To enable the local planning authority to give further consideration of the acceptability of the proposed use after the temporary period has expired.**

Ref. 9  
**HEREFORD**  
DCCW2003/3399/F

Retention of an existing 1200mm diameter satellite dish at:

**CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS, KINGS  
ACRE ROAD, HEREFORD, HR4 0SD**

For: **CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS  
PER FRITH WILLIAMS ARCHITECTS, 30A HIGH STREET,  
NEWPORT, SHROPSHIRE, TF10 7AQ**

Councillor R.I. Matthews drew attention to comments of Breinton Parish Council and noted the view that the satellite dish should be sited elsewhere. In response, the Planning Assistant advised that it was understood that the only alternative location would be to the east of the building but this would involve the erection of a 12-foot pole and this was considered to be visually obtrusive.

**RESOLVED:**

**That planning permission be granted:**

**Note to Applicant:**

**The decision to grant planning permission has been taken having regard to the policies and proposals in the Hereford Local Plan set out below, and to all relevant material considerations including Supplementary Planning Guidance:**

**Policy ENV14 - Design**

**Policy H21 - Compatibility of Non-residential Uses**

**This informative is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report by contacting Reception at Blueschool House, Blueschool Street, Hereford (Tel: 01432-260342).**

**ITEM FOR INFORMATION - APPEALS****APPEALS RECEIVED****Application No. DCCE2003/2420/O**

- The appeal was received on 19th January, 2004
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Dr. R.D. Channon
- The site is located at 2 College Road, Hereford, Herefordshire, HR1 1EF
- The development proposed is Site for 2 storey extension to provide 2 no. 2 bedroom flats
- The appeal is to be heard by Written Representations

**Case Officer: Mr. Andrew Guest on 01432 261957**

**Application No. DCCE2003/2830/F**

- The appeal was received on 8th January, 2004
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Callow Marsh Ltd
- The site is located at Ross Road, The Callow, Hereford, Herefordshire, HR2 8BN
- The development proposed is Change of use of land to use for storage of motor vehicles
- The appeal is to be heard by Hearing

**Case Officer: Mr. Andrew Guest on 01432 261957**

**Application No. DCCE2003/2455/F**

- The appeal was received on 28th January, 2004
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr. Jones
- The site is located at 16 Nover Wood Drive, Fownhope, Hereford, Herefordshire, HR1 4PN
- The development proposed is Alterations to ground floor, new enclosed porch and first floor extension
- The appeal is to be heard by Written Representations

**Case Officer: Miss Kelly Gibbons on 01432 261949**

## APPEALS DETERMINED

### Application No. DCCW2003/1730/F

- The appeal was received on 20th October, 2003
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Hargreaves
- The site is located at 39 Yazor Road, Hereford, Herefordshire, HR4 9PT
- The application, dated 8th June, 2003, was refused on 14th August, 2003
- The development proposed was Forming drop kerb to access vehicular parking to front of property
- The main issue is the effect of the proposed development on highway safety.

**Decision:** The appeal was **DISMISSED** on 15th January, 2004

**Case Officer:** Mr. Steve Macpherson on 01432 261946

### Application No. SW2003/0264/F (NOW IN CENTRAL AREA)

- The appeal was received on 8th September, 2003
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Dr. P. Harris
- The site is located at Lilac Cottage, Ridge Hill, Hereford, HR2 8AD
- The application, dated 24th January, 2003, was refused on 18th March, 2003
- The development proposed was Replacement two-storey garage building incorporating surgery/office
- The main issue is the effect on the character and appearance of the Area of Great Landscape Value (AGLV)

**Decision:** The appeal was **DISMISSED** on 14th January, 2004

**Case Officer:** Mr. Andrew Prior on 01432 261932

### Application No. CW2003/0607/F

- The appeal was received on 22nd September, 2003
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr. & Mrs. G.D. Thomas
- The site is located at Burling Gate Farm, Marden, Herefordshire, HR1 3EU
- The application, dated 21st February, 2003, was refused on 15th April, 2003
- The development proposed was Annexe adjoining the existing farmhouse
- The main issue is whether, in the light of the development plan, guidance in Planning Policy Guidance Note 7 – The Countryside – Environmental Quality and Economic and Social Development (PPG7) and the personal circumstances of the appellants, an additional dwelling on the holding is justified.

**Decision:** The appeal was Dismissed on 7th January, 2004

**Case Officer:** Miss Helen Brown on 01432 261947

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

REF. NO.	APPLICANT	PROPOSAL AND SITE	APPLICATION NO.	PAGE NO.
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### SITE VISIT

1	Tarmac Limited	Extraction of sand and gravel; erection of aggregate processing plant and ancillary facilities / infrastructure; construction of new access; diversion of utility services and continued use of rail sidings for loading / dispatch of aggregates at <b>land at Moreton Depot, off A49, Moreton-on-Lugg, Herefordshire</b>	CW2002/3058/M	17
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### DEFERRED APPLICATION

2	Mr. D. Edwards	Proposed conversion of buildings into 3 dwellings at <b>Holmer Park, off Attwood Lane, Hereford</b>	DCCW2003/2792/F	41
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### APPLICATIONS RECEIVED

3	Mr. & Mrs. Hick	Proposed two storey rear extension at <b>Primrose Cottage, Whitestone, Hereford, HR1 3RY</b>	DCCE2003/3566/F	49
4	Mr. W. Beaumont	Change of use of agricultural land to domestic garden. Erection of brick faced retaining wall, brick piers and metal infill panels at <b>Stanford House, Rectory Road, Hampton Bishop, Hereford</b>	DCCE2003/2808/F	53
5	Mr. E.F. Hunt	Site for erection of two no. detached houses with garages at <b>land to north side of Barneby Avenue, Bartestree, Hereford, HR1 4DH</b>	DCCE2003/3431/O	57
6	Somerset Redstone Trust	Proposed extensions and internal alterations at <b>Newstead House Residential and Nursing Home, 43 Venns Lane, Hereford, HR1 1DT</b>	DCCE2003/3692/F	63

REF. NO.	APPLICANT	PROPOSAL AND SITE	APPLICATION NO.	PAGE NO.
7	Mr. S. Cottam	Re-alignment of post and rail fencing to property boundary at <b>55 Dorchester Way, Belmont, Hereford, HR2 7ZW</b>	DCCW2003/3419/F	<b>67</b>
8	Mr. R. Hastings	Change of use from storage / warehousing to blacksmithing workshop to include erection of two chimneys at <b>35A Mortimer Road, Hereford, HR4 9SP</b>	DCCE2003/3505/F	<b>71</b>
9	St. Mary's PCC	Provision of new w.c., alterations to porch and associated site works at <b>St. Mary's Church, Fownhope, Herefordshire</b>	DCCE2003/2992/F	<b>75</b>
10	Wyevale Container Plants Ltd.	Construction of three water storage tanks at <b>Lower Veldifer Field, Roman Road, Credenhill, Herefordshire</b>	DCCW2003/2973/F	<b>81</b>
11	Herefordshire Headway	Demolition of outbuildings and erection of extension. New drive with parking area at <b>Herefordshire Headway, Headway House, Trenchard Avenue, Credenhill, Hereford, HR4 7DX</b>	DCCW2003/3293/F	<b>85</b>



**1 CW2002/3058/M - EXTRACTION OF SAND AND GRAVEL; ERECTION OF AGGREGATE PROCESSING PLANT AND ANCILLARY FACILITIES / INFRASTRUCTURE; CONSTRUCTION OF NEW ACCESS; DIVERSION OF UTILITY SERVICES AND CONTINUED USE OF RAIL SIDINGS FOR LOADING / DISPATCH OF AGGREGATES AT LAND AT MORETON DEPOT, OFF A49, MORETON ON LUGG, HEREFORDSHIRE**

**For: Tarmac Limited per SLR Consulting Limited,  
Strelley Hall, Main Street, Strelley Village, Nottingham,  
NG8 6PE**

**Date Received: 16th October 2002    Ward: Wormsley Ridge    Grid Ref: 50345, 47374**

**Expiry Date: 5th February 2003**

Local Member: Councillor J.C. Mayson

**1. Site Description and Proposal**

- 1.1 The application site is approximately 5 kilometres north of Hereford and 11 kilometres south of Leominster and immediately to the north of Moreton-on-Lugg. Wellington and Marden are about 1.5 kilometres to the north-west and north-east respectively from the centre of the site. The application area itself is 34 hectares in extent, irregular in shape and generally flat. About one third, the southern part, is agricultural land, the remainder is part of a former MoD Depot. There is a mixture of hardstanding, steel framed buildings, Romney huts, tracks and disused railway lines with patches of open land and scrubby woodland within the site. It is bounded by the A49 and the Wellington Marsh SWS to the west, Wellington Gravel Pit to the east and agricultural land to the immediate north and south. The former MoD Depot, now in a mixture of business uses lies to the south-east. The River Lugg SSSI cSAC is about 400 metres away to the east at its nearest point.
- 1.2 The nearest houses are five Almshouses to the immediate north, Yew Tree House, in the middle of the western boundary and the settlement of Wellington Marsh to the immediate south-west.
- 1.3 The application is to extract just over 2,000,000 tonnes of gravel (from about 27 hectares of the site) in phases over a 10 year period. The site would be concurrently restored to create a mixture of wetland and woodland habitats based around two large lakes. Workable deposits of sand and gravel vary between 3 and 7 metres in depth across the site. The proposal is to clear and process existing hardstandings etc., strip and store soils and extract material by dragline and conveyors, without dewatering the site. The application also includes a proposed concrete batching plant, office, mess, stores, weighbridge, fuel store and electrical transformers and sub-stations.

- 1.4 Access to the site is possible through the existing access to the former MoD camp but the application includes a proposal to improve an existing agricultural access and create a new roundabout onto the A49 between the Almshouses and Yew Tree House. Planning permission already exists for the creation of an aggregate rail loading depot within the application area. That permission allows for the importation of crushed limestone from the Company's quarries at Dolyhir and Gore, near Kington. By direction of the Highways Agency this permission is limited to the transportation of 120,000 tonnes per annum and to expire in 2009. The application includes a proposed variation to operate this permission for the life of the sand and gravel extraction. It is anticipated that the sand and gravel extracted from the site would supply local demand and would therefore be transported by road. However, transportation by rail would be considered by the operator if he considered it appropriate.
- 1.5 The application is accompanied by a statutory Environmental Statement. The applicant has also submitted a unilateral Section 106 Agreement in support of the application, the details of which are attached as Appendix 1 to this Item. The proposal now brought forward to the Sub-Committee for determination is the result of long negotiations between Officers, the applicant and consultees.

## 2. Policies

### 2.1 Minerals Planning Guidance:

- MPG1 - General Considerations and the Development Plan System
- MPG7 - (Revised) The Reclamation of Mineral Working

### 2.2 Hereford and Worcester Minerals Local Plan:

- Policy 1 - Preferred Areas
- Policy 2 - Other Sand and Gravel Deposits
- Policy 8 - Highway Improvements and Access
- Policy 10 - Progressive Restoration
- Policy 11 - Reclamation
- Policy 13 - Restoration to Water Uses
- Policy 14 - Restoration for Nature Conservation etc.
- Policy 15 - Maintenance of Environment Standards

### 2.3 Hereford and Worcester County Structure Plan:

- Policy M1 - Need for Minerals
- Policy M3 - Reclamation
- Policy M4 - Development Control Considerations
- Policy CTC7A - Affects on SSSI's etc.
- Policy CTC3 - Nature Conservation (National/International)
- Policy CTC4 - Nature Conservation (Local)
- Policy CTC10 - Protected Species
- Policy CTC12 - Improving Wildlife Value

### 2.4 Herefordshire Unitary Development Plan (Deposit Draft):

- Policy S1 - Sustainable Development
- Policy S2 - Development Requirements
- Policy S9 - Minerals
- Policy DR3 - Movement

Policy DR4	-	Environment
Policy DR6	-	Water Resources
Policy DR9	-	Air Quality
Policy DR10	-	Contaminated Land
Policy DR11	-	Soil Quality
Policy DR13	-	Noise
Policy DR14	-	Lighting
Policy T4	-	Rail Freight
Policy S7	-	Natural and Historic Heritage
Policy LA2	-	Landscape Character
Policy LA6	-	Landscaping
Policy NC1	-	Nature Conservation
Policy NC2	-	Sites of International Importance
Policy NC3	-	Sites of National Importance
Policy NC4	-	Sites of Local Importance
Policy NC5	-	European Protected Species
Policy NC8	-	Habitat Creation
Policy NC9	-	Management of Landscape
Policy ARCH1	-	Archaeological Assessments
Policy ARCH6	-	Archaeological Recording

### **3. Planning History**

- 3.1 CW2001/3080/M granted 18th July 2002. Establishment of rail loading depot for the transportation of aggregates.

CW2002/3190/M granted 10th December 2002. Replacement and realignment of rail lines etc.

SH95/107SZ granted 19th July. 1996 CLEUD issued for B8 use at appeal.

Former MoD Rail Distribution and Training Depot

### **4. Consultation Summary**

#### Statutory Consultations

- 4.1 Highways Agency has no objection subject to a Direction that if planning permission is granted it has to be in accordance with conditions prescribing the formation of a new roundabout and specified access details.
- 4.2 English Nature has no objection but expresses concern about the need for pollution control. The proposed reed beds are welcomed. The importance of resolving the extent of the presence of Great Crested Newts, following the appropriate licensing procedures is stressed. The need to assess any likely significant affect on the River Lugg SSSI cSAC is stressed.
- 4.3 River Lugg Internal Drainage Board do not consider that the application would affect the River Lugg SSSI cSAC subject to confirmation of details and protection of routes and rates of surface water discharges.
- 4.4 Transco notes the presence of a high pressure pipeline nearby but explain that it was re-routed in order to avoid areas likely to be affected by future extraction and should not be affected.

- 4.5 Railtrack note the nearest railway is 330 metres away from the site and have no wish to comment.
- 4.6 HSE have no wish to comment.
- 4.7 Hyder for Dwr Cymru/Welsh Water have no wish to comment.
- 4.8 Countryside Agency do not wish to comment.
- 4.9 DEFRA note that the site was previously developed as a military depot, welcome the proposals to save the top metre of soil and consider that these soils would be useful for restoration to a nature conservation use.
- 4.10 Forestry Commission do not consider that the proposal would affect the ancient semi-natural woodland nearby and have no comment other than to emphasize that it is Government policy that trees lost through development should be replaced.
- 4.11 Hereford & Worcester Earth Heritage Trust have no objections and welcome the proposal from a geological and geomorphological proposal and recommend that stockpiles of excavated material are retained on site as an educational resource.
- 4.12 Herefordshire Nature Trust have no objection but comment on the need to direct the reclamation to achieve the maximum wildlife and BAP gains.
- 4.13 Environment Agency have no objection subject to the imposition of conditions.

#### Internal Council Advice

- 4.14 Head of Engineering and Transportation (Transportation) does not wish to restrict the grant of permission so far as highway issues are concerned.
- 4.15 PROW comment that the application does not appear to affect any public footpaths but emphasize the need to protect their condition and use from associated works.
- 4.16 Chief Conservation Officer has suggested a number of changes to the proposal which have either been agreed or can be incorporated into conditions – does however express particular concern that substantial archaeological mitigation is both necessary and achievable. The general area of the proposal is one of considerable archaeological sensitivity and has particularly high potential for the presence and recovery of important buried archaeological deposits and features of pre-medieval date. The palaeo-environmental remains, such as peat and waterlogged materials from antiquity, contain a wealth of significant information about the historic environment and the people within it. Major archaeological discoveries have been made nearby, for instance human remains of Iron Age date and Roman and Mid-Saxon mill sites at Wellington Quarry.

As a result of full and productive discussions between the applicants and the local planning authority, prior to and during the course of the proposal; it has been possible to achieve firm in principle agreement on an acceptable archaeological mitigation scheme, to achieve appropriate 'preservation by record' in accordance with PPG16 Section 24. In summary, the archaeological mitigation should consist of the following. Intermittent archaeological observations and recording of the development the north-western sector, more intensive recording and investigation of the development of the more important eastern and particularly south-eastern sector, and formal

archaeological excavation, prior to any development in that location, of the especially important mid southern sector. A condition is imposed accordingly.

- 4.17 Head of Environmental Health & Trading Standards has no objections; notes the potential for adverse impacts on local people through noise and dust emissions and private water abstractions and recommends that conditions are imposed to protect these.

## **5. Representations**

- 5.1 Wellington Parish Council: object to the proposal on the grounds of highways issues; notably the effects of increased traffic especially HGV's on traffic flows, from additional noise and in adding to the risk of accidents, particularly along the narrow stretch of non-dual carriageway through Wellington Marsh but strongly support the proposals to move extracted material by rail. They consider that the hypothetical accident figures are understated and the (originally) proposed ghost island inadequate. They are also concerned about the risk to pedestrians, inadequate footway and cycleway proposals and the effect on the environment. Particular concerns are noise, hours of working, dust production, risk to water supplies, need for further screening and the lack of benefits to local people. With regard to the railhead they consider that the possible local benefit in the use of the proposed railhead in the future is to be welcomed. The Parish Council also question the adequacy of the application plan boundary definition towards the rest of the site.
- 5.2 Moreton-on-Lugg Parish Council: has no objection but believes that it is essential for improvements to be made to the A49 to accommodate the increase in traffic.
- 5.3 Marden Parish Council: express concern about the need to clarify the length of time the concrete batching plant is to be retained, effects of noise and dust on residents to the west of the parish, the need to limit traffic through Marden village and the hours of working.
- 5.4 CPRE: reluctantly accept that the proposal is in line with the current Minerals Local Plan and probably represents the least damaging environmental option. They do not oppose it but request the imposition of conditions to protect residential amenity and the wider environment. The proposals for restoration and aftercare are welcomed but should be conditioned and adequately maintained.
- 5.5 Letters of objection have been received from 19 local people. Summarised the principal points made relate to:
- the traffic and highway safety implications of the increase of traffic particularly because of the speed and volume of existing traffic levels
  - the risk the additional access proposals could cause to pedestrians, children, cyclists and other drivers
  - the danger from the deposition of mud on the road
  - the increase in background traffic noise and disturbance
  - the potential increase in accident numbers and concern that the accident rate in the application is understated

- reductions in the quality of life from the increase in activity on site
  - the need for the A49 to be realigned behind the properties along it, notably the Almshouses
  - the general inadequacy of the highway proposals and inconsistency with other decisions on the A49
  - the potential for structural damage to adjoining houses from the increased traffic
  - effect on orchids on Wellington Marsh
  - disturbance from noise, particularly from the long hours of working
  - dust
  - effects on amenity, vegetation, gardens, health, enjoyment of properties and the peaceful and rural character of Wellington Marsh
  - effects on groundwater supplies and requests for compensation
  - visual intrusion, especially on the landscape
  - the need for the retention of the existing leylandii along the A49
  - the lack of benefit for local people
  - effects on Human Rights and a request that the application is called-in by the Secretary of State.
- 5.6 A petition signed by 34 people, some of whom have written individually has also been submitted stating "We, the undersigned, object to the planning application at Moreton Depot for the extraction of sand and gravel. We consider that it would be a retrograde step to safety on the A49 and an unacceptable increase in noise and dust pollution level, preventing the original proposed by-pass of Wellington being completed."
- 5.7 A representation has also been made by Mr. Pike of 9 Derside Close, Wellington Marsh that the application and certificates have been incorrectly completed and that the former Councillor, Mr. Makin's role had not been clarified. The County Secretary and Solicitor has investigated these issues and found that no criticism whatsoever could be made of Mr. Makin or that any impropriety had occurred with regard to the application certificates.
- 5.8 A letter has also been received from Mr. S.D. Powell of 28 Barton Road, Hereford, expressing concern about land ownership issues; the revised roundabout proposals appear to mean that these are no longer relevant.

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

## 6. Officers Appraisal

6.1 The application needs to be considered under a number of headings effect on the River Lugg SSSI cSAC, Minerals Local Plan – especially the extent of the Preferred Area for Extraction in the Plan, the Regional Plan and Draft UDP context, the effect of the proposal on matters of acknowledged importance and the adequacy and appropriateness of the proposed restoration.

### 6.2 Effect on the River Lugg SSSI/cSAC

The protection of the River Lugg and the European protected species associated with it is of the highest importance. Gravel workings have the potential to affect the river in a range of ways notably by reducing groundwater flows through dewatering and evaporation from newly formed water bodies, introducing pollution and from disturbance to habitats. English Nature, the Environment Agency and the River Lugg Internal Drainage Board have all expressed concern about these matters and have been involved in discussions about the issues. In this case the river is about 400 metres from the nearest part of the site and all of the above have agreed that subject to the imposition of conditions, there should be no adverse effect from the proposal on the River Lugg or the European protected species associated with it.

### 6.3 Minerals Local Plan

#### Preferred Area for Extraction:

The Minerals Local Plan identifies a number of Preferred Areas for Extraction and was based on the assumption that these would need to be given permission before 2004, in order to ensure that the County can maintain sufficient contributions to the Region's need for sand and gravel. The only Preferred Area proposed in the Minerals Local Plan in Herefordshire, not yet given permission, is that at Moreton-on-Lugg. The application area covers about two thirds of the Preferred Area in the Plan. Policy 1 of the Local Plan states that "(in) Preferred Areas for sand and gravel extraction, planning permission will be granted ..... subject to an evaluation against other relevant Development Plan policies." The principle for granting permission subject to that proviso is therefore clear.

#### Areas Outside the Minerals Local Plan Preferred Area:

The application includes two areas on the western boundary of the site which were not included as Preferred Areas in the Minerals Local Plan. Where application areas are large and the proposals are complex and in phases, it is possible to consider aspects of them separately. In this case the areas outside of the Preferred Areas for extraction are not so large that if they were refused they would necessitate the refusal of the whole application. These areas can therefore be considered separately and must principally be considered in a context of the Minerals Local Plan Policy 2. The policy states in essence that where sites are subject to "defined" constraints permission will not normally be granted. In this case the shape of the excluded areas is defined by one primary constraint - that a buffer strip should be created 200 metres from the boundary of groups of six or more dwellings. The excluded areas are not affected by any other constraints. The Minerals Local Plan requires that applicants should provide a full justification for areas of application outside of a Preferred Area. In this case the applicant's case (in essence) is

- (1) that the 200 metre zone constraint is not based on objective assessment of the environmental impacts of a particular development, does not accord with current best practice and is not included as a primary constraint in the Deposit Draft Unitary Development Plan.
- (2) that both the Minerals Local Plan and Draft Unitary Development Plan recognise the need to avoid unnecessary sterilisation of mineral resources and
- (3) that the Environmental Statement demonstrates that the impacts of the proposal can be kept to an acceptable minimum in accordance with Government advice and that the rigid application of a 200 metre zone would be inappropriate and would result in the unnecessary sterilisation of a proven mineral resource.

The Working Plan proposed in this application for these areas is to leave a buffer strips of about 100 metres from the two groups of houses, to plant these with trees and create earth bunds to shield them. Both groups would be exposed to working within the 200 metre zones for about 8 months. In practice the principal disturbance would be from soil stripping and replacement, a short term activity, the effects of which should be significantly reduced by the proposed bunding.

Policy 2 in the Minerals Local Plan prescribes that permission for extraction should not normally be given in these areas but that exceptions are possible. In this case the issues come down to whether the gain from working (roughly) 1/10th of the site justifies the extra disturbance to the adjacent householders or whether the effective loss of this resource is justified by the reduction in disturbance. The Environmental Health Officer's advice is that conditions could be imposed which would enable the development to go ahead without causing adverse impact on local people.

It is in the interests of sustainability to avoid the loss of scarce resources and it is likely that unless they are worked as part of this application these minerals probably never will be. Members should be aware that the idea of a 200 metre buffer strip has never been part of Government policy and is not proposed as either a primary or a secondary constraint in the Deposit Draft Unitary Development Plan. On balance therefore Officers' recommendation is that in the context of a major application which is a Preferred Area for extraction, the inclusion of these minor areas would be an acceptable exception in accordance with Policy 2 of the Minerals Local Plan. Subject to conditions and provided that the greater part of the site is considered acceptable, permission could therefore be granted for the two parts of the site outside of the Preferred Areas. Precedent exists for this kind of approach when Members granted permission for the extraction of a small area of land at Perton Quarry which was outside of a Preferred Area for extraction.

#### 6.4 Deposit Draft UDP:

The existing Minerals Local Plan Preferred Area at Moreton-on-Lugg was included in the UDP Deposit Draft. There were no objections to the Plan to its inclusion per se but several objectors to the relevant policies have argued that more provision should be made – in part, to give a greater flexibility to the County's abilities to supply sand and gravel. Officers' advice is that because there have been objections to the sections of the UDP which specifically refer to the site, these policies can be given little weight but that weight does if anything support the granting of permission for this application. However, Members should also be aware that the UDP mineral policies as a whole aim to ensure that the County should be able to provide an adequate and regular supply of minerals over the Plan period. In practice that means ensuring that it should



be able to meet the County sub-regional apportionment of national and regional demand. If permission were to be granted, the additional 2,000,000 tonnes permitted here would undoubtedly help that supply and would introduce an element of flexibility which some objectors have specifically requested. It would also be in general accordance with the developing Regional Plan. It could not however be argued that either the site itself, or that flexibility, are essential for the Council to meet the supply assumptions in the existing Minerals Local Plan or those in the Deposit Draft UDP. The proposal would not conflict with other policies in the Plan and is particularly in the spirit of the Deposit Draft nature conservation policies.

#### 6.5 Effects of the Proposal on Matters of Acknowledged Importance:

The Minerals Local Plan requires that applications should be assessed against other development criteria, notably those in Policy M4 of the Hereford and Worcester County Structure Plan. These include:

- i) Effects on the best and most versatile land  
No such land is affected by this proposal.
- ii) Residential amenities of surrounding properties  
Mineral workings are potentially difficult neighbours capable of being noisy, dusty and affecting ground and surface waters – sometimes for long periods.  
To consider these separately:

Noise: The principal sources of noise generated on site from this proposal would be from the stripping and subsequent re-spreading of soils, using excavators and dump trucks and from associated reversing beepers. Extraction would be by tracked excavator digging below the water table, loading into a hopper and conveyor belt, a relatively quiet operation, to the processing plant, which is relatively noisy. Processed materials would then be trans shipped off site by lorry, again a relatively noisy operation. The applicant's Environmental Statement includes assessments of the noise levels of adjoining properties. In every case it is estimated that these would be less than 10 decibels above background noise levels, i.e. at a level which is not likely to be considered loud enough to generate complaints. The same levels were considered acceptable when permission was given for the creation of a rail-loading depot (approved by the Central Area Planning Sub-Committee on the 18th July, 2002. The Environmental Health Officers advice is that subject to the imposition of noise conditions the effects should be acceptable.

If permission were to be granted Officers advice is also that a condition should be imposed requiring that bunds should be created close to the houses nearest the "excluded areas" discussed in para. 6.3 to reduce the impact of noise from the proposal on the local people.

The proposed processing and ready-mixed concrete plants could generate intermittent, fairly long periods of low level noise, at most, but it is unlikely to be all, working days. The proposed location of these in the centre of the site and as far away from housing as possible and the creation of piles of processed material around them would further diminish the disturbance. Officers do not consider that the net effect would be unacceptable.

Dust: The application proposes to work the site “wet” i.e. not to dewater it. Excavated materials would therefore be wet and would remain so as they pass through the processing plant. Although they would dry out in time when placed in stockpiles around the plant area, it is extremely unlikely these would generate any volumes of dust which could reach the houses at the boundary of the site. A number of dust suppression measures are proposed and these could all be imposed by condition. Dust could also be generated from soil handling on site. It is not likely to be significantly different from normal agricultural operations or to require unusual dust control measures.

iii) Surrounding Road Network and Road Safety

The applicant estimates that the proposal would generate about 40 vehicle loads per day. The effects of this on their lives, local amenities and highway safety are the major source of local objections to the proposal – significantly outnumbering other concerns. The principal delay in bringing this application for determination has been the time the Highways Agency has taken to consider this proposal. Extensive discussions with the applicant and local people required a Safety Audit of the scheme finally proposed. The Highways Agency has now issued a Direction that if permission is granted it must be subject to four conditions (that specify a particular design of roundabout on the A49, advanced signing and the submission of a Green Travel Plan). Because these proposals represent a variation on the scheme originally submitted, the Parish Council and neighbours have been re-consulted on it.

To date responses have been received from Wellington Parish Council, Wellington Action Group and two of the immediate neighbours. In summary, the Parish Council would prefer an alternative route but reluctantly accept the proposed roundabout with seven reservations, notably that the offset position of the roundabout restricts visibility, that the deceleration space to the south is too short, the proposal is too close to the existing turn to Wellington, footpath access is poor, the site needs illumination, that if a roundabout were to be constructed at the Business Park entrance a speed limit could be imposed and that they support the concerns of the nearest resident who is unhappy at the proximity of the roundabout to his house.

The Wellington Action Group make similar points, particularly stressing the problems of visibility, slowing down distances and the need for either an alternative, or two roundabouts. They also express concern about the loss of the existing conifers beside the A49. The occupier of the house nearest the proposed roundabout expresses his concern about visibility, braking distance, overtaking and problems for pedestrians and cyclists and the possibility that the proposal would create a serious hazard to anyone entering or leaving his gateway or stopping along the route.

One local resident regards the proposal as an improvement on the original ‘ghost’ lane scheme but requests the installation of a roadside guard rail.

These in turn have been referred to the Highways Agency with a request that they consider them. Their response is detailed but does not alter their direction. If Members were to grant permission it must be in accordance with the Highway Agency’s direction and include the conditions they impose. Members should be aware that in the circumstances of the direction any refusal to grant planning permission on highway grounds could not be defended.

The applicant has submitted a unilateral Section 106 Agreement undertaking to complete the highway works specified by the Highways Agency, create the cycleway, bus stop (all matters requested by local people) and the resurfacing of Wellington School and Community Centre. Officers consider that these are all proper for the applicant to make and Officers recommend that the agreement should be accepted.

The applicant has included a reference to the possible use of the rail-loading depot to transport excavated material with a proviso that it is anticipated that the extracted material would supply local demand and will be transported by road, however, transport by rail would be considered where appropriate.

iv) Areas of High Quality Landscape

The application is not in an area of designated landscape. The former military depot dominates the area and the application area occupies the least landscaped parts of the site containing very few trees of any size and no significant internal hedges. To the layman's eye it has the appearance of semi-scrub, semi-derelict land. Officer's advice is that the site could not be considered a high quality landscape worthy of retention. Local people have asked for the retention of the conifers alongside the A49. The Head of Conservation's advice is that these are not worthy of protection in themselves but could be retained (subject to the Highway's agency's direction) as a temporary screen.

v) Water Supply and Land Drainage

Matters relating to the need to protect the River Lugg SSSI and cSAC are dealt with above.

The proposal could affect adjoining properties' and in theory Brooks Drinks' water supplies through both the risk of contaminated materials entering ground and surface water or the direct loss of water supply and objectors have naturally expressed concern at this. The proposal could also affect land drainage through accidental or controlled discharges. In practice however the only significant effect on local resources should be the temporary diversion of small volumes of water through the plant to wash excavated material and the subsequent clearing of that water through conventional settlement ponds. This would be controlled through a discharge licence issued by the Environment Agency. Any surface discharges would be into existing site drains or through oil interceptors. There should therefore be no affect on local boreholes.

The Environment Agency and River Lugg Internal Drainage Board have pursued these issues in some detail and have no objection to the proposal but propose that schemes should be imposed to control risk of contamination and to monitor groundwater before, during and after extraction. If permission were to be granted Officers recommend that these are imposed as conditions.

vi) Effect on Areas of Nature Conservation Importance

The site does not include specific nature conservation designations, it does however adjoin the River Lugg SSSI/cSAC. Officers are not aware of any specific risk to the river or species associated with it and any such could be protected by the imposition of conventional conditions. Neither English Nature nor the Environment Agency has any objection to the proposal. There are no grounds therefore for refusing permission on these grounds. The site

does however contain a “medium” sized colony of Great Crested and other Newts – based in an old MoD concrete fire pond. The application is to create a complex of lakes, shallows, pools and scrapes which will be of infinitely greater value as newt habitat than the existing land. A licence to move the newts and disturb the site will be necessary from DEFRA but subject to the necessary detail, it is understood that there should be no difficulty in this regard. The application includes an assessment of the nature conservation value of the site but the only protected species found were Barn Owls and a condition is proposed to protect them. Specific surveys were undertaken for reptiles and bats but none were reported on site.

The Wellington Marsh SWS adjoins the site. The applicants assert that the protected habitat is associated with shallow groundwater perched on the alluvial deposits and is hydraulically isolated (in effect) from the fluvial-glacial sand and gravel aquifer. There is no evidence that the marsh would therefore be affected by the proposal. Members will be interested to note that boreholes in and around the marsh were monitored by the operators of the Wellington Gravel Pit whilst the site was in the Ministry of Defence hands. Monitoring proved both difficult to undertake and to interpret but there appears to be no suggestion that the existing gravel workings have had any effect on the marsh. There are no reasons to question the applicants’ assumptions and there is no evidence that the special wildlife site would be adversely affected.

The Council has a general duty to enhance SSSI’s, Officers consider that the proposal would be a valuable supplement to the nature conservation interests of the area generally and of direct value to some of the species associated with the River Lugg cSAC designation, notably otters.

vii) Effects on Sites of Archaeological or Historical Interest

The proposal has been the subject of detailed archaeological evaluation (desk based study, site survey/recording, and trial trenching) as part of this archaeological potential. In essence, the north-western sector of the site appears to have only moderate potential. The eastern and particularly south-eastern sector have higher potential, with significant although dispersed prehistoric and Roman remains having been found here during evaluation. A specific zone in the mid – southern sector of the site, broadly approximating to phases 8/13A, contains principally Bronze Age remains of particular significance and sensitivity, probably relating to an important ritual site. If permission were to be granted the County Archaeologist would have no objection to the proposal provided that a condition is imposed to ensure that these features are properly assessed and protected.

viii) Effects on Local Employment

At present a small number of people occupy parts of the site under a variety of temporary leases. The proposal would probably directly employ a few more people on site and indirectly many more hauliers. If permission were to be granted however redevelopment of the site would permanently remove the existing CLEUD rights and a significant amount of potential employment would therefore be lost. The Moreton Camp Development Brief recognises this however and there is no conflict between the application and the wider development of the rest of the camp. The South Herefordshire District Local Plan specifies that the northern sector of the camp is a Preferred Area for mineral extraction and notes that it would only permit B1 uses on the Romilly

buildings on land covered by the CLOPUD permission provided that such proposals would not prejudice the long term development of the land in this part of the site. It could not be argued therefore that the effects of the proposal on local employment would be significant.

ix) Effects on the Potential Afteruse of the Site

No specific afteruse is applied for but if restored as proposed the site would be of immediate beneficial afteruse for nature conservation and potentially beneficial use for amenity or recreation (provided that any such proposals complied with the Development Plan of the time). The proposal is to restore the site to two large lakes and a wide range of nature conservation habitats, notably shallow and seasonal pools and scrapes and a mixture of tree and shrub planting at different densities. Officers believe that the net effect would be to create an extremely valuable and interesting nature conservation site. As such they consider that it would be a considerable improvement both visually and ecologically on the existing site if permission were to be granted however they would recommend that conditions should be imposed to secure the maximum possible gain to the interests of biodiversity.

There is a Listed Milepost along the A49 close to the proposed new access. Neither it or its setting are adversely affected by the proposal. If permission were to be granted Officers would recommend that conditions should be imposed to protect and repaint it.

Conclusion:

Sand and gravel extraction is a long term and potentially disruptive activity. It is however necessary to the operations of the economy as a supplier of fundamental building materials and it is Government policy that an adequate and regular supply of minerals should be available in order to meet the County's share of regional need. In this case the greater part of the application area is designated a Preferred Area for Extraction in the Minerals Local Plan. Local people's concerns about the effects of the proposal, especially its effect on local highways, are material and understandable. None of the statutory consultees however have any objection to the proposal and Officers consider that subject to the imposition of conditions the proposals would comply with the provisions of the Plan and protect the amenities of local people. Parts of the site are outside the Preferred Area but Officers consider that the applicant's case for including these in the application is reasonable and that the effects of doing so can be satisfactorily mitigated by the imposition of conditions and would not conflict with Development Plan or Deposit Draft UDP policy. Subject to conditions, the proposal could however create an ecologically diverse range of features which would enhance the nature conservation interests of the area and the condition of the existing land without adverse effect on the River Lugg SSSI cSAC, the landscape or the amenities of local people.

Members should also be aware that although the site is expected to be worked and restored within about 10 years, that under the terms of the Environment Act 1995 planning permission for mineral working can in effect be reassessed and new conditions imposed every 15 years.

## RECOMMENDATION

**That planning permission be granted subject to the following conditions and any others 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 and in order to define the commencement of the development.**

2. **The whole of the plant and external walls and roofs of the buildings, including cladding, shall be constructed and finished in accordance with a schedule of materials, colours and finishes which shall first have been submitted to and approved by the local planning authority before the development is commenced.**

**Reason: To secure properly planned development.**

3. **Prior to the commencement of extraction and the exportation of any sands or gravels from this site the highway features illustrated on drawing AS/1, Tarmac, Moreton Quarry, Roundabout Access, Advance Signage, Revision 1 dated October 2003, shall have been certified as complete by the local planning authority in consultation with the Highway Authority.**

**Reason: To enable the A49 Trunk Road to continue to be an effective part of the system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 by avoiding the disruption to flow on those routes by traffic expected to be generated by the development, and to protect the interest of road safety on the Trunk Road, as directed by the Highways Agency.**

4. **Prior to the commencement of extraction and the exportation of any sands or gravels from this site a village gateway feature equivalent to the feature illustrated on drawing AS/1, Tarmac, Moreton Quarry, Roundabout Access, Advance Signage, Revision 1 dated October 2003 to the north of the proposed access shall be provided to the south of Wellington Marsh in a form and position to be agreed with the local planning authority in consultation with the Highway Authority.**

**Reason: To enable the A49 Trunk Road to continue to be an effective part of the system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 by avoiding the disruption to flow on those routes by traffic expected to be generated by the development, and to protect the interest of road safety on the Trunk Road, as directed by the Highways Agency.**

5. **Prior to the commencement of extraction and the exportation of any sands or gravels from this site the quarry operator shall be obliged to enter into an agreement with Herefordshire Council to promote and co-ordinate Green Transport Plans. The main aims will be to reduce the need to use private transport to access this site and to increase the opportunities for walking, cycling, bus use, car sharing and any other initiative that is able to make a positive contribution to reducing the need to use private transport inefficiently.**

**Reason: To enable the A49 Trunk Road to continue to be an effective part of the system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 by avoiding the disruption to flow on those routes by traffic expected to be generated by the development, and to protect the interest of road safety on the Trunk Road, as directed by the Highways Agency.**

6. Prior to the commencement of extraction and the exportation of any sands or gravels from this site the highway works illustrated in form shown on drawing 2, Tarmac, Moreton Quarry, Roundabout Access, General Arrangement, Revision 2 (Amended to Incorporate Comments from Stage 1 Safety Audit) dated October 2003, shall have been certified as complete by the local planning authority in consultation with the Highway Authority.

**Reason:** To enable the A49 Trunk Road to continue to be an effective part of the system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 by avoiding the disruption to flow on those routes by traffic expected to be generated by the development, and to protect the interest of road safety on the Trunk Road, as directed by the Highways Agency.

7. No development shall take place until details or samples of materials to be used on internal roadways and hardstanding have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

**Reason:** To ensure that the materials harmonise with the surroundings and to minimise the risk of pollution to groundwater or the River Lugg SSSI cSAC.

8. The development shall be carried out in all respects strictly in accordance with the approved plans (drawing nos. MLM6/1, MLM6/2, MLM6/3, MLM6/4, MLM6/5, MLM7/1 Revision A.), except where otherwise stipulated by conditions attached to this permission.

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

9. Not later than two years from the date of this permission schemes shall be submitted in writing to the local planning authority for their approval for the creation of:

- i) Shallow, permanently or seasonally, wet scrapes
- ii) Reed beds, which remain permanently below the water table
- iii) Lakeside shallows
- iv) Bank gradients
- v) An area of wet woodland
- vi) Ditches, designed to maximise their use as wildlife corridors and as habitat for water voles
- vii) Hides, open to the public at no expense, within 2 years of the approval of the proposals for this part of this condition and maintained so during the course of the development hereby permitted including any period of aftercare
- viii) Exposed sections which can be permanently retained after the reclamation of the site as a record of its geological features

**ix) An artificial sand martin nest bank**

as supplements to drawing MLM7/1, Revision A, in order to foster the nature conservation and geological value of the reclaimed site.

The submitted scheme shall specify the nature conservation objectives to be achieved and the Biodiversity Action Plan or other groups of species which are to be fostered in the reclamation of the site, the landforms, ground and water levels to be achieved, and

**x) Proposals to monitor and amend these in the light of experience as the site reclamation progresses.**

**Reason:** In the interests of biodiversity, nature conservation, geological record and the protection and enhancement of wildlife habitats on the site.

**10. At least every four calendar years from the date of this permission until the completion of all aftercare schemes, a biodiversity audit shall be submitted for the approval of the local planning authority. The submitted scheme shall identify**

**i) The species present and**

**ii) Where National and Herefordshire biodiversity species are identified, estimate the numbers present and**

**iii) Propose how the habitats of such species may be improved during the course of the development hereby permitted, including the period of aftercare.**

**Reason:** In order to ensure that the site is properly reclaimed in a way that maximises its nature conservation interest.

**11. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials, and type of landscaping, planting and earth mounding, to be undertaken around the new highway access to the site and in the north-west and south-west corners of the site. The proposed scheme shall be completed before any winning or working of minerals takes place except that the proposed tree planting may be undertaken during the first planting season following the commencement of winning and working of minerals. Development shall be carried out in accordance with the approved details.**

**Reason:** In the interests of visual and residential amenity and to preserve and enhance the quality of the environment.

**12. Not later than two years after the date of this permission a scheme of landscaping shall be submitted to the local planning authority for their approval in writing. The submitted scheme shall include details of the species, sizes, densities and planting numbers of the trees, shrubs and other plant species and grass seed mixes to be used on site with the intention of creating as wide a range of habitats as possible on site. The landscaping of the site shall be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.**



**Reason:** In order to protect the visual amenities of the area, to preserve and enhance the quality of the environment and in the interests of the landscape and increasing its nature conservation value.

13. During the course of the development hereby permitted up to and including the extraction of materials from Phase 9, the operator shall carry out the barn owl and species rich grassland mitigation scheme set out in Tarmac's letter of 7th July 2003, reference ML/JA/M103(P) (Barn owl and species rich grassland mitigation scheme) and plan reference "Management Proposals" drawing number 2, July 2003.

**Reason:** In order to retain suitable habitats for barn owls and grassland of nature conservation interest.

14. No development shall take place until a scheme and programme of the means for the suppression of dust has been submitted to and approved in writing by the local planning authority. The submitted scheme shall include inter alia: measures for the suppression of dust caused by the movement and storage of aggregate materials within the site and shall not be less than that proposed in para. 14.7 and table 14/5 of the Environmental Statement submitted by the applicant. The approved scheme shall be complied with throughout the use of the site in accordance with the development hereby permitted.

**Reason:** In the interests of the occupiers of nearby buildings and the prevention of pollution.

15. No development shall take place until the applicants or their agents or successors in title have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been approved in writing by the local planning authority. This programme shall be in accordance with a brief prepared by the County Archaeological Service. Items of prior archaeological excavation required as part of this programme must be completed in the field to the satisfaction of the local planning authority before the commencement of any development.

**Reason:** To ensure that the exceptional archaeological interest of the site is recorded, and also to ensure that specific items of archaeological excavation can take place within an acceptable timescale that will not be compromised by other site works or factors.

16. Throughout the course of the development hereby permitted, including the reclamation and aftercare for the site, hydro-geological monitoring shall be undertaken in accordance with the monitoring scheme/programme reference "groundwater monitoring scheme" received on 12th January 2004 and plan reference Groundwater Monitoring Borehole Locations Jan. 04 Drawing No. 2.

**Reason:** In the interests of pollution control, the protection of ground and surface waters in and around the site, the residential amenities of nearby dwellings and the nature conservation interests of the River Lugg cSAC and SSSI.

17. Throughout the course of the development hereby permitted including the reclamation and aftercare of the site, control procedures for managing contaminated soils and groundwater shall be undertaken in accordance with document reference "Control Procedures for Managing Contamination Soils and Groundwater during Mineral Extraction Operations" received on 8th December 2003.

**Reason:** In the interests of pollution control, the protection of ground and surface waters in and around the site, the residential amenities of nearby dwellings and the nature conservation interests of the River Lugg cSAC and SSSI.

18. No dewatering shall be undertaken in connection with the development hereby approved other than for the processing of extracted minerals, manufacturing of ready mixed concrete, dust suppression or wheel washing and any dewatering shall be entirely in accordance with the prior authorisation in writing of either the Environment Agency or where they are not the licensing authority, the local planning authority.

**Reason:** In the interests of protecting ground and surface waters in and around the site and to protect the nature conservation interests of the River Lugg cSAC and SSSI.

19. No foul or contaminated drainage shall be discharged from the site other than in accordance with the prior authorisation in writing of either the Environment Agency or where they are not the licensing authority, the local planning authority.

**Reason:** In the interests of the protection of ground and surface waters and to protect the nature conservation interests of the River Lugg cSAC and SSSI.

20. The level of noise from the development hereby permitted shall not exceed the following levels at the locations specified below:

Adjacent to the property boundary of Holmesdale House, 55dB LAeq 1 hour (free field)

Adjacent to the property boundary of Yew Tree House, 55dB LAeq 1 hour (free field)

Adjacent to property boundary of The Almshouses 55dBLAeq, 1 hour (free field)

Adjacent to the property boundary of St. Mary's Church Vicarage, LAeq 55dB (1 hour (free field)

and if requested in writing the operator shall submit a noise survey at these locations to demonstrate compliance.

The location of these properties is shown on plan MLR7/1 attached to this permission.

**Reason:** In order to protect the residential amenities of nearby dwellings.

21. No light source shall be visible from outside the extremities of the application site or produce more than 1 lux horizontal or vertical illuminance at any adjacent property boundary.

Reason: To minimise the impact of the floodlights and to protect the residential amenity of nearby dwellings.

22. F25 (Bunding facilities for oils/fuels/chemicals).

Reason: To prevent pollution of the water environment.

23. No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times 0700 to 1900 Mondays to Fridays, 0800 to 1300 on Saturdays and not at all on Sundays, Bank or Public Holidays, except that within the area permitted for use as a rail loading facility, permitted under consent reference CW2001/3080/M granted 18th July 2002, the unloading of aggregates from vehicles and loading of aggregates into railway wagons for trans-shipment by rail may take place at any time.

Reason: In order to protect the amenity of occupiers of nearby properties.

24. No extraction shall be undertaken in connection with the permission hereby granted at any point within the application area deeper than the naturally occurring sand and gravel deposits at that point.

Reason: To define the permission for the avoidance of doubt and because further excavation would require further assessment in the interests of local amenity, pollution control, the protection of ground and surface waters and the nature conservation interests of the River Lugg cSAC and SSSI.

25. No materials or substances shall be burnt within the application site.

Reason: To safeguard residential amenity and prevent pollution.

26. Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 or any statutory instrument revoking and re-enacting that Order with or without modification, no materials, including aggregates shall be stockpiled or deposited in the open to a height exceeding 5 metres.

Reason: To protect the appearance of the locality.

27. No topsoil, subsoil or over burden shall be removed from the site.

Reason: In order to ensure the proper reclamation of the site, in the interests of landscape and nature conservation.

28. No soil, subsoil, stone or waste materials shall be imported into the site for use in its reclamation.

Reason: In order to ensure the proper reclamation of the site and in the interests of local amenity, pollution control and the conservation interests of the River Lugg sSAC and SSSI.

29. No later later than 31st May 2008, the operator shall submit an aftercare scheme to ensure the reclamation of the site for the approval in writing of the local planning authority. The submitted scheme shall include provision for:
- i. Managing the site in the interests of nature conservation and in particular for the provision and maintenance of habitats for priority species identified on site specified in the National and Herefordshire Biodiversity Action Plans.
  - ii. The alteration of management practices where in the opinion of the local planning authority as advised by English Nature or any successor bodies, the habitats of Biodiversity Action Plan species identified on site could be enhanced.
  - iii. For a site meeting to be held every year during the aftercare period to discuss the progress of reclamation to date and to agree future proposals.
  - iv. For such a meeting to be attended by the person(s) responsible for undertaking the aftercare of the land.

Reason: To ensure that the site is reclaimed to the highest possible nature conservation and landscape interest.

30. Not later than two years after the cessation of the winning of minerals, as determined by the local planning authority,
- i) all stockpiles, stores, plant, hardstandings, buildings, tracks, machinery, equipment, infrastructure. Chain link fencing and concrete fence posts and waste associated with the winning, working, processing, storage, sale and transportation of minerals and readymix concrete and use of the site as a rail loading facility shall be permanently removed from the application site, and
  - ii) the site shall be fully reclaimed in accordance with drawing MLM7 Revision A as supplemented by schemes approved in accordance with the conditions hereby approved.

Reason: In order to ensure that the site is properly reclaimed within a specified timescale in the interests of local amenity, pollution control, nature conservation and the River Lugg cSAC and SSSI.

31. This permission shall expire thirteen years after the date of commencement and no winning, working, sale or transportation of minerals or readymix concrete either by road or rail shall take place in connection with the development hereby permitted or that permitted under reference CW2001/3080/M granted 18th July 2002 after that date.

Reason: Required to be imposed by Part 1 of Schedule 5 of the 1990 Town and Country Planning Act.

32. Notwithstanding the provisions of Schedule 2, Parts 6, 7 and 21 of the Town and Country Planning (General Permitted Development) Order 1995 or any statutory instrument revoking or re-enacting that Order with or without modification, the land and lakes which remain on the cessation of mineral winning shall not be

used for any activity other than for the purposes of nature conservation unless a specific permission for such is obtained from the local planning authority.

Reason: Because the local planning authority wish to control the use of the site in the interests of pollution control, nature conservation and the River Lugg cSAC and SSSI, the landscape and local amenity.

- 33. A copy of this planning permission and the approved plans and all other documents approved in accordance with this permission shall be held in the office at this site and made available to any Officer of the Council or their nominee at all working hours during the course of the operations hereby permitted.

Reason: To ensure that the requirements of the planning permission are readily available at the site.

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.

Appendix 1 attached.



<b>FINANCIAL CONTRIBUTIONS TO BE MADE BY APPLICANT</b>
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(i)	Highway works to A49	est. £300,000
(ii)	Off site highway works	
	- Gateways and signage for proposed 40 mph speed limit Wellington Marsh-Wellington turn	est. £ 10,000
	- Pavement widening to provide cycle lane where possible between Wellington Marsh and Wellington turn	est. £ 60,000
	- Provide bus stop off main carriageway	est. £ 12,000
(iii)	Community facilities	est. £ 6,000
	- resurfacing car park of Wellington School and Community Centre	





**2 DCCW2003/2792/F - PROPOSED CONVERSION OF BUILDINGS INTO 3 DWELLINGS AT HOLMER PARK, OFF ATTWOOD LANE, HEREFORD****For: Mr. D. Edwards, Station Approach, Hereford, HR1 1BB****Date Received: 15th September 2003****Ward: Burghill,  
Holmer & Lyde****Grid Ref: 50840, 42313****Expiry Date: 10th November 2003**

Local Member: Councillor Mrs. S.J. Robertson

This item came before Members at the meeting of the 1st December 2003. More information having been requested by statutory consultees, it was resolved that the item be deferred.

**1. Site Description and Proposal**

- 1.1 The application site is located on the south side of Attwood Lane and comprises a former stable building associated with the substantial Holmer Park. The building itself which is sited against the highway boundary is an attractive brick built structure with a pantile roof. The application site also contains the Grade II listed aviary converted into a summerhouse within the grounds of Holmer Park. This building is constructed of 16th century timbers from the Hereford Town Hall with a pyramid tile roof and was erected on this site in 1862 when the former Town Hall was demolished. The site as a whole is currently overgrown and has a somewhat neglected appearance. From Attwood Lane the substantial brick boundary wall and entrance gates define the site's character which has an enclosed nature with the buildings in close proximity to each other.
- 1.2 This application seeks full planning permission to convert the former stable building into three small dwelling units. Two of the units will contain just two bedrooms while the larger central unit contains three bedrooms. Vehicular access to the site would be obtained via the existing entrance gates off Attwood Lane and the new boundary fence would be constructed between this site and Holmer Park which is currently undergoing renovations and alterations following the granting of planning permission for a private leisure and health club. Each of the dwellings would have a small rear courtyard area as amenity space.
- 1.3 The previous application reference CW2003/1126/F was withdrawn on the 3rd September 2003 because of an objection by Welsh Water regarding the treatment of foul drainage.

**2. Policies****2.1 Planning Policy Guidance:**

PPG1	-	General Policy and Principles
PPG3	-	Housing
PPG13	-	Transport

PPG15 - Planning and the Historic Environment

## 2.2 South Herefordshire District Local Plan:

Policy GD1 - General Development Criteria  
 Policy C29 - Setting of a Listed Building  
 Policy SH24 - Conversion of Rural Buildings  
 Policy C36 - Reuse and Adaptation of Rural Buildings  
 Policy C37 - Conversion of Rural Buildings to Residential Use

## 2.3 Herefordshire Unitary Development Plan (Deposit Draft):

Policy S1 - Sustainable Development  
 Policy S2 - Development Requirements  
 Policy DR1 - Design  
 Policy HBA4 - Settings of Listed Buildings  
 Policy HBA12 - Reuse of Traditional Rural Buildings  
 Policy HBA13 - Reuse of Traditional Rural Buildings for Residential Purposes

## 3. Planning History

- 3.1 CW2003/1126/F Proposed conversion of buildings into 3 no. dwellings. Withdrawn 3rd September 2003.

## 4. Consultation Summary

### Statutory Consultations

- 4.1 Environment Agency: The Agency refer to Point 3 of Planning Circular 3/99 which states that:

"When drawing up sewerage proposals for any development, the first presumption must always be to provide a system of foul drainage into a public sewer."

However, the Environment Agency conclude that were a connection to the mains foul sewer is unfeasible, and the Local Planning Authority is minded to approve the application, the following condition should be imposed:

No development approved by this permission shall be commenced until a scheme for the provision of foul drainage works has been approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: To prevent pollution of the water environment.

- 4.2 Dwr Cymru (Welsh Water): The Local Planning Authority is in receipt of a letter from Welsh Water to the applicant concerning the discharge of foul and surface water drainage.

The Environment Agency has raised an objection to the proposed use as a septic tank and as such negotiations have continued with Welsh Water to seek a resolution.

Welsh Water has indicated that it may be possible to achieve foul discharge to the mains sewer by diverting existing storm water drains from the combined storm and foul drain into soakaways located within the site.

However, this proposal is subject to further surface water run-off (litre/sec) tests that will need to demonstrate no increase in the existing flows to the combined sewer.

#### Internal Council Advice

- 4.3 Head of Transportation and Engineering: reiterates the comments made on the original application CW2003/1126/F which stated that no access gate should be provided and that the wall to the west of the access be reduced in length.

Subject to the scheme being approved, Highway Note 5 - "Works within the highway" be attached to any permission.

### **5. Representations**

- 5.1 Holmer Parish Council: a letter of objection was received from Holmer Parish Council on the 15th October 2003. The points raised by the Parish Council are summarised as follows:

- 1) The proposal will create more traffic along an already congested lane. The Parish Council would welcome traffic calming measures that force traffic to slow down at the junction of Attwood Lane and Church Lane.
- 2) The Parish Council express concern over the absence of a percolation test sheet, particularly as the area suffers from drainage problems.
- 3) The proposed roof light to the bathroom of one of the proposed dwellings would be over looked from other areas. This would require obscured glazing or could be omitted.
- 4) A further roof light intended to serve a bedroom could be replaced by a window in the wall of the particular room looking out on Attwood Lane.

The Parish Council supports the principle of development on this site but would welcome careful consideration of these points.

- 5.2 One letter of objection has been received from Mr. A.J. Forrester and Mrs. P.A. Jenkins, The Court Orchard, Attwood Lane, Holmer. The objections raised can be summarised as follows:

- 1) Attwood Lane/Church Way is used as a shortcut between Roman Road and the A49. The congestion and speed of traffic creates a hazard for motorists and pedestrians. A further access will create more problems.
- 2) There are visibility and safety issues with the proposed access.
- 3) Work to the rear of the social club continues to create congestion, including trade vehicles that use the verge for parking.
- 4) This proposal is likely to precipitate development at the other end of Attwood Lane, damaging local wildlife habitats.

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

## 6. Officers Appraisal

- 6.1 The key issues in determining this application relate to the principle of the proposed use, the impact of the proposal on the Grade II listed summerhouse, the detail of the conversion scheme and how this impacts on adjoining uses and the highway and access issues associated with the proposal. Foul and surface water drainage arrangements must also be satisfactorily addressed.
- 6.2 As identified in the South Herefordshire District Local Plan, land at Holmer to the north of Roman Road is not identified as a recognised settlement or as having a settlement boundary. As such, in theory open countryside policies would apply to development proposals in this area. In this instance and having regard to the nature of development and the character of the area, open countryside policies are not the most appropriate. Furthermore, the location of Holmer and the nature of the area is recognised in the emerging Unitary Development Plan which shows it clearly within the built up part of Hereford. In this instance the former stable building is an attractive red brick structure in a prominent position on Attwood Lane. Clearly it is worthy of retention and this scheme proposes its conversion into three small residential properties, two of which contain two bedrooms and one three. Whilst normally the conversion of such buildings would be subject to suitable marketing to see if an economic use would be viable, in this instance having regard to the buildings location within the recognised boundary of Holmer, the residential use is in principle considered acceptable subject to the other details of the scheme being satisfactory.
- 6.3 As mentioned above, the building is in close proximity to the Grade II listed former aviary which was converted into a summerhouse at Holmer Park. The structure which is particularly attractive is currently overgrown and somewhat neglected in appearance and is enclosed by buildings and mature trees. Whilst minor alterations are shown to the boundary wall adjoining the summerhouse, no physical alterations will occur to the structure itself. It is proposed that vehicular access would be proposed between the stable building and the summerhouse and a parking area will be contained and surfaced with gravel to the west side of the Listed Building. In conservation terms, there are concerns regarding the impact on the setting of the Listed Building in terms of its context and relationship to Holmer Park. As originally proposed, a solid boundary fence was proposed between this conversion site and the rest of Holmer Park which would harm the relationship between the buildings. Following negotiations the application now proposes a much more subservient and more traditional open steel railing to a height of 1.4 metres and as such when viewed from the main grounds of Holmer Park, the relationship between the summerhouse and the main building will be retained. In view of these alterations, Officers are satisfied that the proposal will not have a detrimental impact on the setting of the Listed Building.
- 6.4 The conversion scheme itself generally accords with the Council's policies for conversions of traditional rural buildings with minimal new openings. The lantern light detail on the ridge of the building which will be reconstructed will assist in retaining the building's appearance, particularly when viewed off Attwood Lane and Churchway and the existing entrance gates will be used to access the site. Whilst the units are relatively small and have small courtyard areas as external amenity space, in this context having regard to the relationship between the stable and Holmer Park the layout of the conversion scheme is considered acceptable.
- 6.5 Holmer Park itself is currently in the process of being converted to a private leisure club and the relationship between this club and the proposed residential units has been carefully considered. Furthermore, four dwellings are currently under

construction on the east side of Holmer Park in close proximity to the stable building. Again, careful consideration has been given to the impact of these units on the approved scheme. A condition would be suggested to obscure glaze the proposed circular window at first floor level on the east side of Unit 2 to prevent any direct overlooking to Plot 4 of the adjoining development which has not yet been constructed. This will prevent any direct overlooking problem.

- 6.6 A number of concerns have been raised about drainage from the site, particularly of foul water. The application indicates that storm and surface water will be dealt with via soakaways for which there is clearly room within the application site. Foul water is proposed to be dealt with via the mains drainage system which serves the area. The comments of Welsh Water who are responsible for the mains drainage have indicated that a surface water/foul water "trade off" may be feasible, depending on further calculations to be undertaken by the applicant. A condition is proposed to ensure this issue is comprehensively dealt with.
- 6.7 Vehicular access is proposed via the existing entrance to the west of the stable block building. Again following concerns expressed by Officers, a revised parking layout has been indicated that would be surfaced with gravel. Concerns were also expressed about potential impact on the trees, however the Landscape Officer has visited the site and confirmed the proposed six car parking spaces are acceptable and will not have a detrimental impact on the existing trees. None of the mature trees would be felled as part of this proposal although there will be some pruning as part of an agreed management of the trees with the Council's Landscape Section.
- 6.8 On balance it is considered that this scheme represents an acceptable reuse of a building which is clearly worthy of retention. The provision of small scale accommodation in reasonably close proximity to Hereford is considered a sustainable reuse of the building.

## 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. A09 (Amended plans).**

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

- 3. F18 (Scheme of foul drainage disposal).**

**Reason: In order to ensure that satisfactory drainage arrangements are provided.**

- 4. E16 (Removal of permitted development rights).**

**Reason: To preserve the character and appearance of this conversion scheme.**

5. **B05 (Alterations made good).**

**Reason: To maintain the appearance of the building.**

6. **E19 (Obscure glazing to windows).**

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

7. **F39 (Scheme of refuse storage).**

**Reason: In the interests of amenity.**

8. **G10 (Retention of trees).**

**Reason: In order to preserve the character and amenities of the area.**

9. **F41 (No burning of materials/substances during construction phase).**

**Reason: To safeguard residential amenity and prevent pollution.**

10. **C04 (Details of window sections, eaves, verges and barge boards).**

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

11. **C05 (Details of external joinery finishes).**

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

12. **C10 (Details of rooflights).**

**Reason: To ensure that rooflights do not break the plane of the roof slope in the interests of safeguarding the character and appearance of this building of special architectural or historical character.**

13. **C11 (Specification of guttering and downpipes).**

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

14. **G02 (Landscaping scheme (housing development)).**

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

15. **G03 (Landscaping scheme (housing development) – implementation).**

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

16. **G01 (Details of boundary treatment).**

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

**Informatives:**

- 1. N03 – Access for All.**
- 2. N06 – Listed Building Consent.**
- 3. N07 – Housing standards.**
- 4. N14 – Party Wall Act 1996.**
- 5. N15 – Reasons for Grant of PP/LBC/CAC.**

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies





**3 DCCE2003/3566/F - PROPOSED TWO STOREY REAR EXTENSION AT PRIMROSE COTTAGE, WHITESTONE, HEREFORD, HR1 3RY****For: Mr. & Mrs. Hick per Warren Benbow Architects, 21 Mill Street, Kington, Herefordshire, HR5 3AL****Date Received: 28th November 2003****Ward: Hagley****Grid Ref: 56405, 42791****Expiry Date: 23rd January 2004**

Local Member: Councillor R.M. Wilson

**1. Site Description and Proposal**

- 1.1 The application site is a detached cottage that lies to the North of the A4103 within the area known as Whitestone. The cottage is set back from the road with gardens and driveway to the front. To the east of the dwelling is a detached residential dwelling and to the west lies Whitestone Chapel, a grade II Listed Building. The rear garden runs to the west of the dwelling and the application site is L-shaped. Another detached dwelling lies to the north of the site.
- 1.2 The proposal is to erect a two-storey extension to the rear of the dwelling. The design of the extension is a modern timber and glazed structure that would accommodate a dining and kitchen area on the ground floor and bedroom and en-suite to the first floor with a west facing balcony.
- 1.3 The rear elevation of the existing dwelling is currently 7.8m wide facing out onto the back garden. The extension would be sited to the side furthest away from the adjacent residential property and would project 4.6m to the rear. It would measure 4m in width and is sited 3.2m back from the existing building line to the east. There is currently a walkway to the side of Primrose Cottage and the boundary of the property. The proposed structure would be set back approximately 4.6m from the boundary between the properties. The extension would have an eaves level of 4.3m with a maximum ridge height of 5.4m (0.6m lower than the height of the existing dwelling). Windows in the east (side) elevation facing the adjacent property would be high level windows obscured by timber cladding. The western elevation would be glazed with a balcony inset into the upper floor overlooking the garden.
- 1.4 The current application is a revised application, the initial scheme was withdrawn due to concern relating to the impact on the amenities of the neighbouring property. In this previous application, the extension was positioned to the side of the dwelling nearest the neighbouring property and was 5.6m in length.

**2. Policies****2.1 Planning Policy Guidance:**

PPG1 – General Policy and principles

PPG15 – Planning and Historic Environment

## 2.2 South Herefordshire District Local Plan:

GD1 – General development principles  
SH23 – Extensions to dwellings  
C29 – Setting of a Listed Building

## 2.3 Unitary Development Plan – Deposit Draft:

DR1 – Design  
H18 – Alterations and extensions

## 3. Planning History

- 3.1 CE2003/3566/F - Erection of two-storey rear extension to provide kitchen / breakfast room and additional bedroom - Withdrawn 28th November 2003.

## 4. Consultation Summary

### Statutory Consultations

- 4.1 No statutory consultations were undertaken.

### Internal Council Advice

- 4.2 Head of Engineering and Transportation has no objection.
- 4.3 The Chief Conservation Officer makes the observation that the proposed extension would not adversely affect the setting of the listed building due to its position and orientation in relation to the chapel and that the key to achieving a successful result in this instance will be in the use of high quality materials for the extension and this should be sought.

## 5. Representations

- 5.1 The Withington Parish Council has no objections.
- 5.2 One letter of representation has been received from Mr. and Mrs. M. Jones of Whitestone Cottage (neighbouring property). This letter raises the following issues:

I have looked at the proposed two storey extension at the rear of the property and would like to express our concern that this will considerably reduce the amount of light in our back garden. I note that the proposed extension would go back the full length of our garden which would mean that we would be looking at a two storey wall.

At the present moment on the other side of our property our neighbours have 3 metre high conifers and to the rear we have buildings and a large tree. Our rear garden is very small and if the two storey rear extension is allowed this will even further reduce our light and therefore will be detrimental to our property.

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

## 6. Officers Appraisal

- 6.1 The key considerations in determining this application are the principle of the proposed extension, its design and any resulting impact of the proposed extension on the amenities of the neighbouring property and impact on the character and appearance of the dwelling. The impact on the setting of the neighbouring Listed Chapel should also be considered.
- 6.2 Policy SH23 of the South Herefordshire District Local Plan allows for extension to existing homes providing that the proposal is in keeping with the character of the existing dwelling in terms of mass, scale, design and materials. The design of the extension is a unique, modern style that remains subservient and light weight in its relationship with the existing dwelling in accordance with this policy. The use of quality materials would be key in its success and a condition requesting samples prior to construction is recommended.
- 6.3 In terms of the impact on the amenities of the neighbouring property the applicant has altered the original submission to address the concerns raised by the Local Planning Authority due to the proximity of the extension to the boundary and the impact that this may have had on the amenities currently enjoyed by the occupants. As a result of this, proposed extension was shortened by a metre and sited at some 3.2m further to the east than the original submission. Having regard to the revised siting of the extension and the distance from the boundary, it is considered that the proposed extension would not cause any loss of daylight to the neighbouring property and the impact would not be detrimental to the amenities of the occupants.
- 6.4 There are no issues concerning overlooking or loss of privacy as the windows in the rear are high level and obscured by intermittent timber boarding.
- 6.5 The proposed extension would not have a detrimental impact on the setting of the Listed Building and there are no highway objections to the scheme. As such, it is considered that the proposed extension is in accordance with the policies of the South Herefordshire District Local Plan and your officers therefore recommend that approval be granted subject to conditions.

## RECOMMENDATION

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

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

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

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

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

3. **E19 (Obscure glazing to windows).**

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

**Informatives:**

1. N03 - Adjoining property rights.
2. N14 - Party Wall Act 1996.
3. N15 - Reason(s) for the Grant of PP/LBC/CAC.

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.

**4 DCCE2003/2808/F - CHANGE OF USE OF AGRICULTURAL LAND TO DOMESTIC GARDEN. ERECTION OF BRICK FACED RETAINING WALL, BRICK PIERS AND METAL INFILL PANELS AT STANFORD HOUSE, RECTORY ROAD, HAMPTON BISHOP, HEREFORD**

**For: Mr. W. Beaumont per James Spreckley, MRICS  
FAAV, Brinsop House, Brinsop, Herefordshire, HR4  
7AS**

**Date Received: 30th September 2003      Ward: Backbury      Grid Ref: 55254, 38357**

**Expiry Date: 25th November 2003**

Local Member: Councillor Mrs. J.E. Pemberton

**1. Site Description and Proposal**

- 1.1 The application site comprises an approx. 0.03 ha. parcel of land positioned to the side of a recently completed detached house, Stanford House. Stanford House is situated within the Hampton Bishop Settlement. The application site is situated in open countryside. Both Stanford House and the application site are situated in the wider defined Hampton Bishop Conservation Area.
- 1.2 The proposal is for retrospective planning permission to change the use of the land from part of a larger field to enlarged garden area for Stanford House. A new boundary wall with infill railings has been erected along the front boundary of the site and the common boundary with the adjacent field, this also the subject of the application. The enclosed land has been laid out as lawn.
- 1.3 The application has been made as a consequence of an enforcement investigation.

**2. Policies**

2.1 South Herefordshire District Local Plan:

Policy GD1	-	General Development Criteria
Policy C1	-	Development within Open Countryside
Policy C2	-	Settlement Boundaries
Policy C22	-	Maintain Character of Conservation Areas
Policy C23	-	New Development affecting Conservation Areas
Policy C44	-	Flooding
Policy C45	-	Drainage

2.2 Herefordshire Unitary Development Plan (Deposit Draft):

Policy S2	-	Development Requirements
Policy DR1	-	Design
Policy DR7	-	Flood Risk

- Policy LA2 - Landscape character and area least resilient to change  
Policy LA3 - New Development within Conservation Areas

### 3. Planning History

- 3.1 CE2001/0643/F Site for erection of dwelling. Approved 9th October 2001.  
3.2 CE2003/0526/F Amended access on to Rectory Road. Approved 11th April 2003.

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 Environment Agency: The supporting letter from the applicant's agent states that there have been no changes to ground levels and thereby no material loss of flood storage. On the understanding that this development is for domestic garden usage and that permitted development rights are removed, no objection is raised. This is on the basis that the proposed development would not expose additional persons to a risk of flooding.

#### Internal Council Advice

- 4.2 Head of Engineering and Transportation: recommends conditions.

### 5. Representations

- 5.1 Hampton Bishop Parish Council: application supported.
- 5.2 Three objection letters have been received, all from Mr. Chadwick of Rectory Road, Hampton Bishop, summarised as follows:
- ground levels have been raised in addition to development set out in application particulars;
  - proposals extend intrusively on to agricultural land outside Settlement boundary;
  - precedent for similar encroachment elsewhere around Settlement;
  - site supports telegraph poles and cables which would be difficult to access by responsible authority;
  - brick wall not in accordance with original approved drawings which indicate post and rail fence and hedging;
  - potential for structures to be erected on enlarged area.

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

### 6. Officers Appraisal

- 6.1 The main issues in this case are the impact of the proposals on the amenities of the countryside, the character and appearance of the Conservation Area and flood storage capacity.
- 6.2 The change of use element of the proposal impacts on a relatively small area of land which is effectively bounded on two sides by existing domestic cartilages. Within this already partly formalised setting it is not considered that any adverse harm has been

caused to the openness or amenity of the countryside, particularly having regard to the relatively small area of land involved.

- 6.3 The boundary walls are prominent in the street scene. However, they are not untypical, there being other walls and fences defining boundaries in the vicinity of the site. For this reason it is not considered that they have a detrimental impact on the character or appearance of the Conservation area or countryside.
- 6.4 The applicant has advised that there have been no changes in ground levels as a consequence of the development, and on this basis the Environment Agency raises no objection in principle. The third party objection disputes this, suggesting a raising in levels. As the application is retrospective it is not easy to confirm this one way or another. However, it is likely that if a change has occurred then it will have been slight with no resulting significant impact on flood storage capacity. A condition is recommended removing permitted development rights on the land to satisfy the Environment Agency and safeguard flood storage capacity of the land.
- 6.5 Access to the telegraph poles and cables is a private matter between the landowner and the responsible authority. Approval of the development would not set a precedent for other garden extensions, this application being considered on its particular merits only. The conditions recommended by the Head of Engineering and Transportation are not considered relevant to this application where no access is proposed.

**RECOMMENDATION**

**That planning permission be granted subject to the following condition:-**

- 1. **Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification, no fences, gates, walls or other means of enclosure, or garages, outbuildings, other buildings or hardstandings/surfacings shall be erected or constructed other than those expressly authorised by this permission.**

**Reason: To safeguard the amenities of the locality and to safeguard the flood storage capacity of the land, in accordance with Policies C1 and C44 of the South Herefordshire District Local Plan.**

**Note to Applicant:**

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.





**5 DCCE2003/3431/O - SITE FOR ERECTION OF TWO NO. DETACHED HOUSES WITH GARAGES AT LAND TO NORTH SIDE OF BARNEBY AVENUE, BARTESTREE, HEREFORD, HR1 4DH**

**For: Mr. E.F. Hunt per Flint & Cook, 4 King Street, Hereford, HR4 9BW**

**Date Received: 14th November 2003**

**Ward: Hagley**

**Grid Ref: 55889, 41327**

**Expiry Date: 9th January 2004**

Local Member: Councillor R.M. Wilson

**1. Site Description and Proposal**

- 1.1 The application site comprises a 0.08 ha. area of open land positioned on the north side of Barneby Avenue within the Bartestree Settlement. To its east and west sides is established residential development, and to the south (on the opposite side of Barneby Avenue), Lugwardine Primary School. A public footpath runs alongside the east boundary of the site.
- 1.2 The proposal is for outline planning permission to erect two detached houses with garages. All matters are reserved.

**2. Policies**

2.1 South Herefordshire District Local Plan:

Policy GD1	-	General Development Criteria
Policy C2	-	Settlement Boundaries
Policy C30	-	Open Land in Settlements
Policy SH6	-	Housing Land in Larger Villages
Policy SH8	-	New Housing Development Criteria in Larger Villages

2.2 Herefordshire Unitary Development Plan (Deposit Draft):

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S3	-	Housing
Policy H4	-	Main Villages – Settlement Boundaries

**3. Planning History**

- 3.1 No relevant planning history.

**4. Consultation Summary**

Statutory Consultations

- 4.1 Dwr Cymru Welsh Water: objection: the proposal would overload the existing public sewerage system. No improvements are planned within Dwr Cymru Welsh Water's Capital Investment Programme. Development is, therefore, premature. It may be possible for the developer to fund the accelerated provision of replacement infrastructure or to requisition a new sewer under Section 98-101 of the Water Industry Act 1991.
- 4.2 Open Spaces Society: development must not obstruct public footpath.
- 4.3 The Ramblers' Association: Public Right of Way LU18 runs along the eastern boundary of the application site. At present the path from its junction with Barneby Avenue, and then to the north where it enters a field, has a tarmac surface. For the last 10 metres or so there is a hedge separating the application site from the public right of way. Should permission be given then a suitable boundary structure should be erected to give a demarcation line between the application site and the public right of way as a first step of the development.
- 4.4 Aquila: requires safeguarding of overhead and underground electric cables which pass across or alongside the site, including access for maintenance vehicles.

#### Internal Council Advice

- 4.5 Head of Engineering and Transportation: recommends conditions. The public right of way should remain open at all times throughout the development.

### **5. Representations**

- 5.1 Lugwardine Parish Council: no objection.
- 5.2 One letter of objection has been received from Lugwardine Primary School summarised as follows:
- site is opposite main school entrance and yellow "zig-zag" zone which becomes single carriageway at school drop-off and collection times;
  - resulting problems for emergency vehicles;
  - owners of new houses could potentially complain about congestion;
  - site has been used as an unofficial car park, the loss of which would add to congestion;
  - existing footpath should remain.

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

### **6. Officers Appraisal**

- 6.1 The main issues in this case are the principle of new residential development, and if this is established, its impact on the character and appearance of the area, residential amenity, the public footpath, and highway safety in general.
- 6.2 Regarding the principle of new residential development, the site lies within the defined Bartestree Settlement where Policy SH6 of the Local Plan allows new residential development. The site itself is sufficient in size and shape to accommodate two dwellings, in keeping with the character of established surrounding residential

development. As a matter of principle the proposal is, therefore, considered to be acceptable.

- 6.3 The application is for outline planning permission only. Notwithstanding this, it is considered that there is sufficient space and width on the site to accommodate two dwellings without harm being caused to the character of the area or residential amenity. In fact, the site reads as a natural "infill" plot within the otherwise complete street frontage, and consequently its development in the manner proposed should enhance the street scene. The actual details of the house units would be the subject of a further reserved matters application in the event of permission being given.
- 6.4 Overhead and underground electric cables pass across part of the west side of the site which Aquila require to be safeguarded. Notwithstanding this, in pure land use terms two houses can still be accommodated without interfering with the line of the cables. Any covenants or restrictions limiting development under or close to electric cables is a private matter for the applicant to resolve with the electricity company. An informative note drawing the applicant's attention to Aquila's requirements is, however, recommended.
- 6.5 The site is located opposite Lugwardine Primary School. During pupil drop-off and collection times considerable traffic is generated around the school with some short term congestion. This situation exists and will persist, whether or not the site is developed, and consequently it is not considered that the proposal would add to the perceived problems. Any use of the site at the present time as a car park is unofficial and unauthorised, and, as such, can be given little, if any, weight in the planning process. Purchasers of the new houses would be aware of the proximity of the school.
- 6.6 The site could be developed without interference with the public footpath, and conditions and informatives are recommended to safeguard the line. Welsh Water raises objection in view of capacity issues with the local foul water drainage system. Permission is recommended but subject to satisfactory resolution of this objection.

## RECOMMENDATION

**That subject to satisfactory resolution of the objection from Welsh Water, outline planning permission be granted subject to the following conditions:**

1. **A04 (Approval of reserved matters).**

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

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

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

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. B01 (Samples of external materials).**

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

**6. F16 (Restriction of hours during construction).**

**Reason: To protect the amenity of local residents.**

**7. F18 (Scheme of foul drainage disposal).**

**Reason: In order to ensure that satisfactory drainage arrangements are provided.**

**8. F41 (No burning of materials/substances during construction phase).**

**Reason: To safeguard residential amenity and prevent pollution.**

**9. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The plan shall include a 2 metre high close-boarded fence to be erected along the west boundary of the site with the public footpath. The boundary treatment shall be completed before either of the buildings 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 and to ensure dwellings have satisfactory privacy.**

**10. G02 (Landscaping scheme (housing development)).**

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

**11. G03 (Landscaping scheme (housing development) - implementation).**

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

**12. The reserved matters shall include details of the means of access to the dwellings, to include visibility splays with 'x' distance of 2 metres and 'y' distance of 40 metres in each direction. The means of access shall be provided as approved and the visibility splays shall be kept permanently clear of obstruction to visibility over 0.6 metres in height.**

**Reason: In the interests of highway safety.**

**13. H10 (Parking - single house) (2 cars).**

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

**14. H05 (Access gates) (2.5 metres).**

**Reason: In the interests of highway safety.**

**15. H27 (Parking for site operatives).**

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

**16. G01 (Details of boundary treatments).**

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

**Informatives:**

**1. HN01 - Mud on highway.**

**2. HN05 - Works within the highway (South).**

**3. The applicant's attention is drawn to Public Footpath no. LU8 which runs alongside the west boundary of the site. The footpath must remain open at all times throughout the development. If development works are perceived to be likely to endanger members of the public then a temporary closure order should be applied for from the Council's Head of Engineering and Transportation, preferably six weeks in advance of work starting. The footpath must be maintained at its historic width and suffer no encroachment during the works or at any time after completion.**

**4. The applicant's attention is drawn to the overhead and underground electric cables which cross part of the site. This planning permission gives no authority to carry out works in, over or under these cables in breach of any covenant or other restriction imposed by the electricity supplier in relation to these cables. The applicant is advised to contact the electricity supplier for their requirements before commencing works on site. Attached with this decision notice is a copy letter from the electricity supplier setting out their requirements which should be incorporated into any reserved matters application.**

**5. N15 – Reason(s) for the Grant of PP/LBC/CAC.**

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



**6 DCCE2003/3692/F - PROPOSED EXTENSIONS AND INTERNAL ALTERATIONS AT NEWSTEAD HOUSE RESIDENTIAL AND NURSING HOME, 43 VENNS LANE, HEREFORD, HR1 1DT**

**For: Somerset Redstone Trust per Forrester Associates, Spadesbourne House, 184 Worcester Road, Bromsgrove, Worcester, B61 7AZ**

**Date Received: 8th December 2003      Ward: Aylestone      Grid Ref: 51835, 41114**

**Expiry Date: 2nd February 2004**

Local Members: Councillors D.B. Wilcox and A.L. Williams

**1. Site Description and Proposal**

- 1.1 The site comprises an established residential care home for the elderly located at the junction of Venns Lane and Newstead Close. The home itself comprises an extended two/three storey building with parking areas to the side and rear and access from Newstead Close. Ground level falls away to the rear. A number of trees on the site are subject to Tree Preservation Orders.
- 1.2 The site lies in an essentially residential area with dwellinghouses to the north, east and south sides. To the north-west is St. Barnabas Church with its car park to the west.
- 1.3 The proposal is in four parts - to erect a two storey extension at the rear (requiring removal of one preserved tree); to replace an existing fire escape and ramp at the side; to erect a new porch (as part of the re-ordering of the entrance courtyard and parking area); and to erect a single storey extension (effectively part of a two storey extension previously granted planning permission in 2001 although now intended to be an office and day space). It is also proposed to carry out internal alterations which would not require planning permission. As a consequence of these proposals the present number of bedrooms at the home would increase from 42 to 45 (although this figure would increase further if the 2001 permission is also implemented).

**2. Policies**

2.1 Hereford Local Plan:

Policy H12      -      Established Residential Areas  
Policy CON21   -      Protection of Trees

2.2 Herefordshire Unitary Development Plan (Deposit Draft):

Policy S2      -      Development Requirements  
Policy T11     -      Parking Provision  
Policy LA5     -      Protection of Trees, Woodlands and Hedgerows  
Policy CF7     -      Residential Nursing and Care Homes

### **3. Planning History**

- 3.1 CE1999/2297/F - Extension to nursing home - refused 14/10/99.
- 3.2 CE2000/0279/F - Extension to nursing home - refused 27/03/00.
- 3.3 CE2001/0669/F - Extension and alterations to nursing home - approved 09/05/01; not implemented.

### **4. Consultation Summary**

#### Statutory Consultations

- 4.1 Dwr Cymru Welsh Water: no objection subject to conditions.

#### Internal Council Advice

- 4.2 Head of Engineering Transportation: no objection.
- 4.3 Chief Conservation Officer: there is a Tree Preservation Order on some of the trees on the St. Barnabas site including a sycamore which would have to be removed. Objection is raised to its loss as it is a prominent landscape feature when viewed from the St. Barnabas site. If permission is given to remove the tree then a replacement should be provided - a parkland tree such as cedar.

### **5. Representations**

- 5.1 Hereford City Council: no response received.
- 5.2 Three objection letters have been received from 1 Newstead Close and 30 and 37 Venns Lane summarised as follows:
  - inadequate parking - proposal would exacerbate existing problem;
  - inadequate turning and servicing space for delivery vehicles;
  - on-street parking associated with home is hazard to other users of highway;
  - over-development of site (already large, dominant building).

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

### **6. Officers Appraisal**

- 6.1 The main issues in this case are the impact of the proposed extensions on the character and appearance of the area, residential amenity and highway safety.
- 6.2 Regarding the first of these issues, the site lies within the Established Residential Area where Policy H12 requires environmental character and amenity to be protected and where appropriate enhanced. The proposed extensions and alterations are relatively modest in size and not readily viewable from outside of the site, and consequently would not detract from the character of the area.
- 6.3 The rear extension would require removal of a preserved sycamore tree to which the Chief Conservation Officer raises objection. However, this tree is positioned towards the rear of the site with consequent limited public amenity value. It is also close to



both the nursing home and St. Barnabas Church, and by reason of its large size is therefore considered to have outgrown the location. For these reasons its removal is considered appropriate, although subject to replacement planting elsewhere on the site.

- 6.4 Regarding residential amenity, the extensions and alterations are sufficiently distanced from neighbouring residential properties to ensure no adverse relationships.
- 6.5 Regarding highway safety, the principal purpose of the application is to enable the overall accommodation to be updated and improved to comply with latest standards for residential nursing homes. Consequently, the actual increase in the number of bedrooms is small (42 bedrooms existing; 45 bedrooms proposed), and the resulting impact on the wider environment in terms of additional activity and traffic generation limited. Accordingly there is no highway safety objection.
- 6.6 If the 2001 planning permission is also implemented this may have the effect of increasing the number of bedrooms by a further 2 or 3. The car parking standard for nursing homes as set out in the Hereford Local Plan is one space to four bedrooms. Applying this ratio requires 12 car spaces at 48 bedrooms. The proposal envisages 20 spaces which is clearly within the standard and consequently acceptable. Congestion or danger caused by on-street parking cannot be controlled by planning legislation, and is strictly a matter for the police.

## 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. **The development shall be carried out in all respects strictly in accordance with the approved plans (drawing nos. 03:50:05A, :06A, :08A, :09A and :10A), except where otherwise stipulated by conditions attached to this permission.**

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

3. **B03 (Matching external materials (general)).**

**Reason: To ensure the satisfactory appearance of the development.**

4. **The proposed and existing parking and turning areas at the premises as shown on the application drawings shall be permanently maintained exclusively for that purpose.**

**Reason: In the interests of highway safety.**

5. **Before the "new two storey extension" hereby approved is occupied, details of a replacement tree to be planted on the site shall be submitted to the local planning authority for approval in writing. The tree shall be planted in accordance with the approved details in the first planting season following approval.**

**Reason: To ensure satisfactory replacement of the sycamore tree proposed to be removed.**

**Informative:**

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.

## 7 DCCW2003/3419/F - RE-ALIGNMENT OF POST AND RAIL FENCING TO PROPERTY BOUNDARY AT 55 DORCHESTER WAY, BELMONT, HEREFORD, HR2 7ZW

**For: Mr. S. Cottam, 55 Dorchester Way, Belmont, Hereford, HR2 7ZW**

**Date Received: 13th November 2003**

**Ward: Belmont**

**Grid Ref: 48712, 38508**

**Expiry Date: 8th January 2004**

Local Members: Councillors P.J. Edwards, J.W. Newman and Ms. G.A. Powell

### 1. Site Description and Proposal

- 1.1 The application site is an area of land immediately adjacent to the property boundary of No. 55 Dorchester Way, Belmont. The proposal involves the re-alignment of the existing boundary fence to No. 55, to incorporate an area of land allocated, but not yet adopted, as public open space.
- 1.2 The applicant wishes to incorporate this land into the private residential garden as it will enable the enclosure of two drainage inspection chambers that have, according to the applicant, been subject to vandalism. At present the fence has a distinct inward curve, which it is proposed to remove and replace with a straight line.
- 1.3 A similar application (ref. DCCW2003/2212/F) was refused under delegated powers on the 16th September 2003, on the grounds that the proposal would result in an unacceptable loss of local amenity space in an area where public open space provision is known to be a local concern.
- 1.4 The revised scheme reduces the area of land that is proposed to be incorporated into the applicant's garden, whilst still encompassing the inspection chambers.

### 2. Policies

#### 2.1 South Herefordshire District Local Plan:

Policy GD1	-	General Development Criteria
Policy SH22	-	Public Open Space in Residential Areas
Policy R4	-	Protection of Recreation Land and Public Open Space

#### 2.2 Herefordshire Unitary Development Plan (Deposit Draft):

Policy DR4	-	Environment
Policy RST4	-	Safeguarding Existing Open Space

### 3. Planning History

- 3.1 CW1999/1887/RM Residential development of 80 no. semi-detached and detached houses, estate roads and open space. Approved 27th January 2000.

DCCW2003/2212/F Re-alignment of post and rail fence to property boundary at 55 Dorchester Way, Belmont to incorporate land into residential garden. Refused 16th September 2003.

#### **4. Consultation Summary**

##### Statutory Consultations

4.1 There are no statutory consultees.

##### Internal Council Advice

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

#### **5. Representations**

5.1 Belmont Rural Parish Council: object to the application. The Parish Council comments are set out below:

"Having considered this second application by the applicant to incorporate a small area of open space into his garden, the Parish Council support the Planning Officer's previous refusal of permission on the grounds that to permit the application would set an unacceptable precedent. Accordingly, the Parish Council recommend refusal of this application on the grounds set out in respect of application reference DCCW2003/2212/F."

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

#### **6. Officers Appraisal**

6.1 The main issue in the determination of this application is the impact that the proposed re-alignment of the fence would have upon the provision of public open space in the local area.

6.2 Under the previous refusal, the proposal concerned the incorporation into the garden of a considerably larger area. Accordingly, under this application the area of public open space under consideration has been substantially reduced.

6.3 As such the key issue is whether the application as submitted would constitute an unacceptable loss of public open space in the wider community.

6.4 The relevant policy criteria is set out in Policy R.4 of the adopted South Herefordshire District Local Plan and Policy RST.4 of the emerging Unitary Development Plan.

6.5 Policy RST.4 makes reference to the safeguarding of existing public or private open spaces with "recreational and amenity value, or facilities that help meet the recreational needs of the community.

6.6 The area of open space under consideration is minimal in relation to the wider context and not considered to cause an unacceptable loss of public open space to residents in the locality. Further, it is considered by Officers that the application site, in its current condition possesses neither recreational or amenity value.

6.7 In paragraph 5.1 Belmont Rural Parish Council comment that the approval of this application would set an unacceptable precedent. However, each application must be considered on its individual merits and must not be prejudiced on the basis that less acceptable forms of development may ensue.

6.8 It is therefore considered that the incorporation of this area of open land into the residential garden of No. 55 Dorchester Way is acceptable and that planning permission should be granted.

**RECOMMENDATION**

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

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

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

- 2. **A06 (Development in accordance with approved plans).**

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

- 3. **The re-aligned fence hereby approved must match in height, style and materials the fence that it replaces.**

**Reason: To ensure a satisfactory form of development.**

**Informative:**

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

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



**8 DCCE2003/3505/F - CHANGE OF USE FROM STORAGE/WAREHOUSING TO BLACKSMITHING WORKSHOP TO INCLUDE ERECTION OF TWO CHIMNEYS AT 35A MORTIMER ROAD, HEREFORD, HR4 9SP**

**For: Mr. R. Hastings, 5 Green Street, Hereford, HR1 2QG**

**Date Received: 24th November 2003      Ward: Three Elms      Grid Ref: 50781, 41205**  
**Expiry Date: 19th January 2004**

Local Members: Councillors Mrs. P.A. Andrews, Mrs. S.P.A. Daniels, Ms. A.M. Toon

**1. Site Description and Proposal**

- 1.1 The application site comprises a vacant warehouse and yard positioned to the rear of residential properties fronting the north-west side of Mortimer Road and with access between Nos. 35 and 37 Mortimer Road. The warehouse was last used for the storage and distribution of clothing, although previous to this was used as a joinery workshop and for motor vehicle body and mechanical repairs. The yard is shared with a small haulage company.
- 1.2 The proposal is to change the use of the site from storage/warehouse to a blacksmith's workshop, to include the erection of three chimneys.

**2. Policies**

2.1 Hereford Local Plan:

Policy E2	-	Established Employment Areas
Policy E7	-	Criteria for Employment Development
Policy H12	-	Established Residential Areas
Policy H21	-	Compatibility of Non-residential Use

2.2 Herefordshire Unitary Development Plan (Deposit Draft):

Policy S2	-	Development Requirements
Policy DR9	-	Air Quality
Policy DR13	-	Noise
Policy H1	-	Established Residential Areas
Policy E5	-	Safeguarding Employment, Land and Buildings

**3. Planning History**

- 3.1 HC/900075/SZ - Use as a motor vehicle body and mechanical repair shop - planning permission not required 07/03/90.
- 3.2 HC/900436/PF - Use for storage and distribution of corporate clothing - approved 23/10/90.

#### 4. Consultation Summary

##### Statutory Consultations

- 4.1 There are no statutory consultees.

##### Internal Council Advice

- 4.2 Head of Engineering and Transportation: no objection.

Head of Environmental Health and Trading Standards: Whilst the building is of substantial brick / blockwork construction, the large sliding doors to the front are light weight metal clad and the roof is also of light weight construction. In view of this and the close proximity of occupied dwellings, concern expressed at the potential impact of the proposal on nearby residents by reason of noise and vibration. To this end, conditions are recommended requiring details of noise attenuating measures and limiting hours of use of power tools.

Coke and gas fired forges are generally clean burning and consequently would not anticipate nuisance from fumes or odour arising from the proposed use.

#### 5. Representations

- 5.1 Hereford City Council : no objection subject to the Head of Environmental Health and Trading Standards raising no objection.

- 5.2 One objection letter has been received from No. 37 Mortimer Road, summarised as follows:

- Noise and vibration disturbance from blacksmithing equipment, including air hammers. Likelihood of doors being left open preventing attenuation;
- Fume nuisance.

- 5.3 In support of the application, the applicant has provided a written statement summarised as follows:

- Specific use is artist blacksmithing, initially part time, although increasing over time;
- Two types of forge will be used - a gas forge and a coke forge. The gas forge runs on bottled propane and produces only carbon dioxide as a by-product. The coke forge burns coke and once properly alight (10 minutes from initial lighting), produces no smoke. Although the image of a blacksmith is of a noisy, dirty workshop, this is, historically due to the activities of shoeing horses which is not intended here;
- Wastage would be minimal (limited metal off-cuts delivered to scrap yard);
- Unlikely to be more than 1 or 2 visitors / customers per month. Deliveries limited to one or two vehicles per month delivering steel and coke, and collectios three or four times per year.
- Initially three blacksmiths would be employed;
- Regarding noise, some would be produced by occasional use of hammers, air hammers and anvils. This equipment would be sited towards the middle of the building to limit effects of vibration; anvils would be rubber mounted.



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

## **6. Officers Appraisal**

6.1 The main issues in this case are the impact of the proposed use on the character of the area and the amenities of nearby residential properties in Mortimer Road.

6.2 The warehouse building itself lies within an Established Employment Area, although the access drive and adjacent houses are within an Established Residential Area. Policy E2 of the Local Plan allows Class B1, B2 and B8 uses within the Established Employment Areas provided that they are in accordance with Policy E7. Policy E7 requires such development to be environmentally acceptable, in particular in terms of the relationship with neighbouring properties. Policy H12 relates specifically to Established Residential Areas requiring their character and amenity to be protected or enhanced. Policy H21 requires non-residential development in or immediately adjoining Established Residential Areas to be compatible with adjacent residential uses.

6.3 The overall scale of the development and the expected levels of activity are considered appropriate for the residential setting. Specifically, it is not considered that three members of staff and perhaps five or six other vehicle movements per month should cause nuisance, particularly having regard to the previous uses of the site as a storage and distribution warehouse and for car repairs. Conditions are recommended limiting times for delivery and collection by commercial traffic.

6.4 The applicant accepts that there would be some noise generated by, in particular, hammers and anvils although no objection is raised on environmental health grounds subject to an appropriate standard of noise attenuation being provided in the building. Conditions are recommended requiring details to be submitted prior to the use commencing and also requiring the front doors to be kept closed whilst machinery or noisy tools are in use. With these safeguards, it is not considered that any adverse harm would be caused to residential amenity.

## **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. The development shall be carried out in all respects strictly in accordance with the approved plans received by the local planning authority on 24th November 2003, except where otherwise stipulated by conditions attached to this permission.**

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

- 3. No noisy machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times 8.00 a.m. to 6.00 p.m. nor at any time on Saturdays, Sundays, Bank or Public Holidays.

Reason: In order to protect the amenity of occupiers of nearby properties.

- 4. The premises shall be used as an Artists' Blacksmith Workshop only and for no other purpose (including any other purpose in Class B2 of the schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: The local planning authority wish to control the specific use of the land/premises, in the interest of local amenity.

- 5. The applicant shall submit for the prior written approval of the local planning authority a scheme of noise attenuating measures. The approved scheme shall be implemented before the first use of the development to which it relates commences and shall be retained for the duration of the use. The scheme shall be based on a noise and vibration report from a suitably qualified and experienced consultant who shall specifically refer to the impact of the development on nearby residential properties in terms of both noise and vibration and shall quantify the effects of any proposed mitigation measures.

Reason: To safeguard the amenity of the area.

- 6. The front doors of the building containing the Artists' Blacksmith Workshop shall be kept closed whenever noisy machinery and / or tools (including hammers, air hammers and anvils), are in use.

Reason: To safeguard the amenities of the area.

**Informatives:**

- 1. For the purposes of condition Nos. 4 and 6, "Artists' Blacksmith Workshop" is defined as a blacksmith's workshop where sculptures, fine art, ornate gates and railings and other ornate metal items are manufactured. The definition specifically excludes the manufacture of horseshoes and / or the shoeing of horses at the site and general engineering.
- 2. N15 – Reason(s) for the Grant of PP/LBC/CAC.

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies

**9 DCCE2003/2992/F - PROVISION OF NEW W.C ALTERATIONS TO PORCH AND ASSOCIATED SITE WORKS AT ST. MARY'S CHURCH, FOWNHOPE, HEREFORDSHIRE****For: St Mary's PCC per Hook Mason, 11 Castle Street, Hereford, HR1 2NL****Date Received: 2nd October 2003****Ward: Backbury****Grid Ref: 58108, 34258****Expiry Date: 27th November 2003**

Local Member: Councillor Mrs. J. E. Pemberton

**1. Site Description and Proposal**

- 1.1 The application site is a Grade I Listed Parish Church located within the village of Fownhope on the corner of Capler Lane and the B4224. The site lies within the Fownhope Conservation Area and within the Wye Valley AONB and designated Area of Great Landscape Value. The church is set back from the main road by approximately 40m (from gate to entrance). The area of the church that is the subject of the application is the existing front porch to the northern elevation.
- 1.2 The proposal involves extending the church to the side of the existing porch to form a disabled toilet facility. The existing porch extends 3.8m from the building. The proposed extension would extend to east of the front porch by 2m. The roof would be a lean-to construction that would slope from the existing church from a height of 4m to 2m (min) and would be at a lower level than the existing porch that stands at a height of 5m. The disabled toilet would be accessed internally via the existing porch.
- 1.3 The application includes the repair of the existing porch structure. The main structure of the porch would not be altered but the repairs would include the re-tiling of the porch floor, new timber and glazed porch doors and other remedial repairs. Full joinery details have been supplied.
- 1.4 Although the church is a Listed Building, no Listed Building Application accompanies this application. This is because these works are included within works that can be completed with Listed Building Consent under the Ecclesiastical Exemption. As such, only planning permission is required.

**2. Policies****2.1 Planning Policy Guidance:**PPG1 – General Policy and principles  
PPG15 – Planning and Historic Environment**2.2 South Herefordshire District Local Plan:**GD1 – General Development Criteria  
C5 – Development within AONB

C7 – Development within AGLV  
C22 – Maintain character of conservation area  
C23 – New development affecting conservation areas  
C.27B – Alterations or additions to a Listed Building  
CF6 – Access for All

### 2.3 Unitary Development Plan – Deposit Draft:

S11 – Community facilities and services  
LA1 – Areas of Outstanding Natural Beauty  
LA2 – Landscape character and areas least resilient to change  
HBA1 – Alterations and extensions to listed buildings  
HBA4 – Setting of a listed building  
HBA6 – New development within Conservation Areas  
T16 – Access for All

## 3. Planning History

3.1 No relevant planning history.

## 4. Consultation Summary

### Statutory Consultations

4.1 English Heritage has no objection to the application.

### Internal Council Advice

4.2 The Chief Conservation Officer makes the following comments: I can confirm that the details now proposed concur with what was agreed at a pre-application meeting with the Agent, John Yates (English Heritage), The Council's Conservation Listed Building Officer and the Parochial Church Council, except for one item. That relates to the introduction of the rooflight to the proposed new extension. I feel it would be inappropriate if introduced in the position shown and can see no reason why it could not be included on the east elevation of the extension.

4.3 Head of Engineering and Transportation has no objection subject to conditions.

## 5. Representations

5.1 A letter was submitted by the agent with this application and is summarised as follows:-

Fownhope PCC first began considering the provision of new sanitary accommodation about five years ago and since then they have considered nine different schemes; some inside and some outside. Due to this Church expanding its ministry it was strongly considered that sanitary accommodation entered from the main entrance porch was the most suitable option. All of this has been discussed with your Conservation Officer, Mr. David Baxter and Mr. John Yates from English Heritage and we understand that they are in agreement with the present scheme.

Turning to the scheme itself, the existing north porch is in need of some general repair. The main structure will remain unaltered but the repair will be carried out as part of this scheme.

The existing floor is to be overlaid with a new floor to take into account the requirements of the Disability Discrimination Act which comes into force in 2004.

The new toilet extension has been carefully designed so that it does not conflict with the existing building. It will be formed with new natural oak boarding and roofed with natural slates.

All joinery and other finishes will be of a high standard to suit this important Grade I Listed Building.

5.2 Fownhope Parish Council objects to this application on the following grounds:

- 1) The style of the existing door should be retained because the proposed new door would not be in keeping with the character of the building.
- 2) The proposed vertical rather than diagonal timber cladding is; not deemed appropriate, as it would detract from the character of the building.
- 3) The tiles in the porch are worthy of retention and should not be covered with new tiles.
- 4) An outside door to access the toilet facilities would be far more appropriate than a door opening out within the main porch area.
- 5) There is concern over the proposed tree works to enable drainage pipes to access the toilet facilities. It appears that a mature Yew tree may need to be felled, as it does not appear on the new plans. This tree should be protected.

5.3 Hereford Access for All note the alterations with approval.

5.4 There have been no letters of representation on this application.

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

## **6. Officers Appraisal**

- 6.1 The main issues in the consideration of this proposal is the impact of the extension on the Grade I Listed Building and on the character and appearance of the Fownhope Conservation Area. Pre-application discussions were held with English Heritage given the sensitive nature of extending this important historic building.
- 6.2 Planning Policy Guidance 15 and the South Herefordshire District Local Plan allows for the extension of Listed Buildings as long as extensions are sympathetic to the character of the buildings and do not have a detrimental impact on the appearance or on the historic fabric of the building. In this instance, it is felt that a sympathetic scheme, that is minimal in its intrusion into the historic fabric, has been proposed. As such, it would not adversely affect the architectural or historical interest of the building. Neither the Council's Chief Conservation Officer nor English Heritage has raised any objection to this scheme.
- 6.3 The site is located within the Fownhope Conservation Area but is set back from the road in an unobtrusive position. As such, the proposed extension and alterations to the building would preserve the character and appearance of the Conservation Area in

accordance with the policies of the South Herefordshire District Local Plan and advice contained within PPG15.

- 6.4 The Parish Council has raised objections (as above) to the scheme relating to the alterations and extension. Whilst the concern relating to the alterations have been considered, members should be mindful that the Chief Conservation Officer and English Heritage have raised no objection to the scheme.
- 6.5 The Parish Council comment regarding the siting of the toilet door internally has also been noted. It is assumed that this door being located internally would be for convenience as other possibilities have been explored. The door is required to open outwards for ease of access for disabled users. The Hereford Access for All committee have expressed their approval of these facilities. The floor also requires resurfacing in order to provide a level surface to the disabled toilet.
- 6.6 The Parish council also raises concern as to the loss of the Yew tree. The application form shows that some of the lower branches will be removed from the yew tree to the north-east. Details of this work can be obtained via a condition imposed on an approval. Works to fell or lop any other trees would require consent as the site lies within the Conservation Area.
- 6.7 Your Officers do, however, raise the concern over the insertion of the Velux window into the front elevation of the extension. The removal of this velux from this elevation and the insertion of a window into the east elevation has been agreed verbally with the agent and can be controlled by condition imposed on the approval.
- 6.8 The applicant has outlined the need to extend the church to provide a disabled toilet as part of their ongoing improvements. This also meets the requirements of the Disability Discrimination Act that comes into force this year.

## **RECOMMENDATION**

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

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

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

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

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

3. **C02 (Approval of details).**

**(a) details and samples of external and internal materials**

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

- 4. Notwithstanding the details shown on the approved plans, the rooflight shown in the front elevation of the proposed extension shall be removed from the scheme. Prior to the commencement of development, full elevational details and joinery details of the positioning of a window in the East elevation shall be submitted and approved in writing by the Local Planning Authority.

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

- 5. Prior to commencement of development, details of the works proposed to the Yew tree to the north-east shall be submitted to an approved in writing by the Local Planning Authority. Works shall be carried out in accordance with these details.

Reason: In order to preserve the character and amenities of the area.

**Informatives:**

- 1. NC01 - Alterations to submitted/approved plans.
- 2. N15 - Reason(s) for the Grant of PP/LBC/CAC.

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.





**10 DCCW2003/2973/F - CONSTRUCTION OF THREE WATER STORAGE TANKS AT LOWER VELDIFER FIELD, ROMAN ROAD, CREDENHILL, HEREFORDSHIRE**

**For: Wyevale Container Plants Ltd., Kings Acre Road, Hereford, HR4 7AY**

**Date Received: 1st October 2003**

**Ward: Credenhill**

**Grid Ref: 47143, 42216**

**Expiry Date: 26th November 2003**

Local Member: Councillor R.I. Matthews

### **1. Site Description and Proposal**

1.1 The application site is located to the north of the main Wyevale Nursery complex in Lower Veldifer field. The site lies approximately 200 metres to the south of Roman Road with the closest residential property being Gartref to the east.

1.2 This application seeks full planning permission for the erection of three water storage tanks which are used to hold water collected for the nursery which will be reused as part of the irrigation of the Wyevale operation. The two larger tanks measure 23 metres in diameter with a smaller third tank having a 11 metre diameter and they project just over 3 metres above ground level.

### **2. Policies**

2.1 South Herefordshire District Local Plan:

Policy GD1	-	General Development Criteria
Policy ED5	-	Expansion of Existing Businesses
Policy C1	-	Development within Open Countryside

2.2 Herefordshire Unitary Development Plan (Deposit Draft):

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy DR4	-	Environment
Policy E6	-	Expansion of Existing Businesses
Policy LA2	-	Landscape Character and Areas least Resilient to Change

### **3. Planning History**

3.1 The Wyevale site has a long and detailed planning history and has been subject to a number of applications in recent years. No previous permissions have been granted on the land subject to this application and no other proposals are considered directly relevant to this current scheme.

#### 4. Consultation Summary

##### Statutory Consultations

- 4.1 The Environment Agency (letter dated 21st November 2003): "The Agency have no objection to the proposed development. This is on the understanding that the site is not located with the Agency's Indicative Floodplain and the matter of surface water to any drainage ditch being the responsibility of the Local Authority and their Land Drainage Department."

##### Internal Council Advice

- 4.2 Head of Engineering and Transportation (Transportation): There are no transportation/highways issues associated with this scheme.

#### 5. Representations

- 5.1 Stretton Sugwas Parish Council: "The Parish Council has no objection in principle but would like to see the tanks painted a suitable green and provided with a tree screen. We note that two tanks are already in position prior to any expected consent."
- 5.2 One letter of concern has been received from Mr. & Mrs. J. Morris, Gartref, Roman Road, Stretton Sugwas, Hereford who comment as follows:

"We do not object to the principle of storage tanks. The field in which they are proposed to be installed has been built up, drained and fully covered with aggregate so that no rainwater can be absorbed into the ground. This will result in all the water from the area being drained into a system which cannot possibly cope with the additional water however large the proposed storage tanks are. The applicants have acknowledged the current drainage system results in flooding and we are extremely concerned that they could not wait until the drainage problems referred to have hopefully been resolved during the construction of the Roman Road improvements system which should deal with this issue.

We have also been in touch with the Environment Agency and the Council's own Drainage Engineers and although we are advised that planning permission was not required for the earthworks undertaken, the drainage issue alone needs scrutiny in accordance with PPG25 - Development and Flood Risk.

On a personal level, our family property has been flooded since Wyevale's development of Green Farm. Over the 1980's this flooding got continually worse with our property being flooded for a week in 1988. This was made worse by the Council's decision to pipe and run Swainshill water into the system and the Environment Agency allowing a second water borehole to be sunk by Wyevale, again despite our protests. Since 1988 the house and land and the adjoining footpath which runs by our property has been flooded every winter. Whilst Wyevale is obviously not concerned that its working on Lower Veldifer field will lead to another part of its nursery being flooded, we actually have flood in our house along with sewage contamination. There has been a dwelling on this site for over 200 years and previously had no flood problem.

We feel all the above matters should be taken into account when looking at this planning application."

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

## **6. Officers Appraisal**

- 6.1 The key issues in the consideration of this application are the principle of development, the landscaping impact of the three containers and any land drainage matters directly associated with the storage containers.
- 6.2 The proposed water storage containers are sited to the north of the main Wyevale complex and will provide part of an improved and more sustainable irrigation system for the nursery. The containers are intended to collect surface water run-off from Lower Veldifer field which will then be stored and transported for nursery irrigation purposes on the complex to the south. Having regard to the well established nursery operation, it is considered that the storage containers are well related to the existing site and no objection is raised to the principle of this development.
- 6.3 Regarding the visual impact of the containers which are already in situ, the galvanised finish, particularly of the two larger containers, is visible from Roman Road to the north and the footpath to the east. Whilst the site is identified in the emerging Unitary Development Plan under Policy LA2 (landscape least resilient to change), having carefully considered the visual impact, no objection is raised on this particular issue. From the north the containers are viewed against the backdrop of the Wyevale Nursery land use and do not appear out of character in this context. Furthermore, given the height of the containers at approximately 3 metres, they are not significant features in the landscape which would warrant an objection.
- 6.4 The issue of land drainage and flooding is the one which dominates the objection letter which has been received on this application from the occupiers of Gartref to the east of the site. As will be noted above the Environment Agency raise no objection to this development, however point out that land drainage in and around this site would be the responsibility of the land owner and where applicable the Local Authority. Having discussed this matter with the Council's Land Drainage Engineer, it is clear as set out in the objection to this proposal, that surface water drainage and flooding has been a problem around this site for a considerable period of time. Whilst works have recently been undertaken by the applicant to clear out and improve capacity within the land drainage ditches on the site, given the almost flat topography the ditches around this area are continuously holding water through the winter months.
- 6.5 As part of this water storage scheme, the applicant has laid an impermeable surface under Lower Veldifer field in order that surface water is collected and redirected into the storage tanks. It should also be noted that the storage tanks are being used continually through the winter months and as such would not remain full for use solely for summer irrigation. Any excess water would be directed into the recently cleared land drains through a controlled soakaway system. Whilst Officers sympathise with the recent history of flooding which directly affects the adjoining residential property, it is not considered that this development in itself would exacerbate that problem. Indeed, the controlled collection and use of surface water from Lower Veldifer field should in fact improve surface water runoff rates to the adjoining watercourses resulting in a possible improvement to the existing levels.

6.6 In view of the above it is considered that the water storage containers represent a sustainable form of development which have not had an adverse impact on the character and appearance of the landscape in the area. Officers do not consider that the containers require painting as per the Parish Council's comments given the limited visual impact which they have. As such, planning permission is recommended.

**RECOMMENDATION**

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

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

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

**Informative:**

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

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.

**11 DCCW2003/3293/F - DEMOLITION OF OUTBUILDINGS AND ERECTION OF EXTENSION. NEW DRIVE WITH PARKING AREA AT HEREFORDSHIRE HEADWAY, HEADWAY HOUSE, TRENCHARD AVENUE, CREDENHILL, HEREFORD, HR4 7DX**

**For: Herefordshire Headway per RRA Ltd., Packers House, 25 West Street, Hereford, HR4 0BX**

**Date Received: 31st October 2003**

**Ward: Credenhill**

**Grid Ref: 44906, 43364**

**Expiry Date: 26th December 2003**

Local Member: Councillor R.I. Matthews

## **1. Site Description and Proposal**

- 1.1 The application site has a central location within Credenhill on the north west side of Station Road. It currently comprises of a large single storey brick built building which is occupied by the Herefordshire Headway organisation who provide care and support primarily for people who have sustained severe head injuries. The site is located in a primarily residential area and is accessed via Trenchard Avenue which also provides vehicular access to a large number of private residential properties.
- 1.2 This application seeks full planning permission to erect a new single storey workshop facility on the north west side of the property and create a new driveway and parking facilities to accommodate up to 10 vehicles. The proposed parking area is sited immediately to the north of the building in close proximity to an adjoining residential curtilage.
- 1.3 The proposed workshop extension has a modern design with a monopitch sloping roof. It would be finished with hardwood vertical cladding and render when viewed from Trenchard Avenue.

## **2. Policies**

### **2.1 South Herefordshire District Local Plan:**

Policy GD1	-	General Development Criteria
Policy CF2	-	Provision of Facilities for Health and Social Services
Policy T3	-	Highway Safety Requirements

### **2.2 Herefordshire Unitary Development Plan (Deposit Draft):**

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy DR1	-	Design

### 3. Planning History

- 3.1 SH961217PF      Erection of 6 no. semi-detached and 1 no detached dwellings with garages. Refused 08/01/97.
- SC980542PF      Conversion of defunct NAAFI to doctors surgery and day nursery with 3 bungalows. Approved 24/02/99.
- CW1999/2590/F      Double glazed conservatory to main group room and garden shelter. Approved 12.10.99.

### 4. Consultation Summary

#### Internal Council Advice

- 4.1 Head of Engineering and Transportation has requested the applicant address a number of concerns which as submitted would warrant refusal of the application.
- 4.2 Head of Environmental Health and Trading Standards has no objections to the application.

### 5. Representations

- 5.1 Credenhill Parish Council: The residents in Trenchard Avenue are concerned about the narrowness of the road and probability of an increase in traffic because of the alterations at the Centre. Residents at Model Cottage need more information on the plans, i.e. is there going to be extra lighting at the car park? Are they keeping existing boundary fences and is the new car park going to be gated?
- 5.2 Eight duplicate letters of objection have been received from residents of Trenchard Avenue and Hendon Drive. The objections raise strong concerns on highway safety grounds and identify the current parking problems associated with this site. As many as 15-20 vehicles are parked in the cul-de-sac daily with at least 10 minibuses attending several times a day and a further 10-15 taxis. They are preventing the residents from free access to their homes and several minor accidents involving children and damage have occurred. We are surprised that no safety measures have been taken to impose restrictions on the amount of traffic using this area. Emergency vehicles would have great difficulty attending elderly residents and would have to abandon their vehicles.

We know that functions are held, such as coffee mornings, parties and fetes, there are upwards of 50 vehicles attempting to park in the cul-de-sac with no supervision. To introduce even more vehicles into what is already an overcrowded area would be an immense danger to all those living and playing and walking here. We feel Headway should never have been allowed to move into this residential area. With the amount of movement they generate they should be established on an industrial estate which is what they are attempting to turn this once peaceful area into.

We would ask that you refuse this planning application on the above grounds unless an entrance/exit to Headway can be established off Station Road at the front of the property which do not affect the safety of residents.

- 5.3 One private letter of objection has been received from A. & J. Kelly, 4 Trenchard Avenue, Credenhill who comment as follows:

“We are concerned about the extension to Headway which is directly opposite our property and the extra vehicles that will be drawn to the area. There have been problems with vehicles attending Headway since they moved here and they have done nothing to address the problems causing mayhem around the site. Emergency vehicles would be unable to attend some properties given the parking problems. To allow more traffic to this site would be a disaster and minor accidents have already occurred and damage done to our vehicle.

It is therefore requested that permission is not given on the grounds of safety to residents and pedestrians and a new access off Station Road would be more appropriate.”

- 5.4 A letter of concern has also been submitted by Mr. & Mrs. S. Jones, Model Cottage, Station Road, Credenhill who ask a number of questions about the development, particularly relating to the parking area which adjoins our residential boundary.

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

## **6. Officers Appraisal**

- 6.1 The main issues in this case relate to the principle of the workshop extension on the existing building, the extension's design and siting and the proposed additional access and car parking facilities.
- 6.2 Given the established use of Headway House, it is considered that the proposed extension is acceptable in principle subject to its design. In terms of its design and siting, the scheme as submitted represents a modern addition to the rear of the building and will provide improved facilities for those attending the Centre. The applicant has advised that the extension is not to accommodate more clients but to improve the facilities which the Centre offers.
- 6.3 Having carefully considered the siting and design of the extension, it is considered that it is acceptable in principle subject to condition on the materials. Given the modern design, it is essential that the detailing of the extension is appropriate to ensure an appropriate form of development.
- 6.4 The key issue which has been continuously raised by local residents and the Parish Council relates to the existing parking problems at the rear of Headway House and the potential for additional vehicular traffic from the proposed works. It should be noted that given the proposed extension is to improve existing facilities and not to provide additional accommodation for more clients, the proposed parking area is intended to relieve the recognised congestion problem which can occur at peak times. As submitted 10 additional spaces are shown which would be accessed for new road from Trenchard Avenue to serve the new parking area adjoining the northern boundary of the site. In principle additional car parking spaces are welcomed, however there are a number of technical issues associated with this scheme as indicated which need to be resolved and can be improved. Furthermore, the occupiers of the property adjoining the car parking area have raised concerns about potential floodlighting and disturbance which may arise from the use of this area.

6.5 On balance having regard to the amount of entrances which already exist on Station Road and the fact that this proposal is intended as an overflow car park, the proposed entrance off Trenchard Avenue is considered the better option. There is however potential to improve capacity within the proposed parking area and additional information can be supplied to address the neighbouring properties concerns regarding fencing, lighting and security. As such, permission is recommended subject to a condition requiring the submission of revised parking details.

## **RECOMMENDATION**

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

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

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

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

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

**3. Notwithstanding the details shown on the submitted drawings the development hereby permitted shall not be brought into use until the access, turning area and parking facilities have been properly consolidated, surfaced and drained and otherwise constructed in accordance with revised details to be submitted to and approved in writing by the local planning authority and these areas shall thereafter be retained and kept available for those uses at all times.**

**Reason: The details as submitted are unsatisfactory and to protect the interests of highway safety and improve the flow of traffic on the adjoining highway.**

**4. G01 (Details of boundary treatments).**

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

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

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

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

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

**7. F32 (Details of floodlighting/external lighting).**

**Reason: To safeguard local amenities.**

### **Informative:**

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



Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



Document is Restricted

