

A G E N D A

Central Area Planning Sub-Committee

Date: **Wednesday, 10th March, 2004**

Time: **2.00 p.m.**

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

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

For any further information please contact:

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**County of Herefordshire
District Council**

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. APOLOGIES FOR ABSENCE	
To receive apologies for absence.	
2. DECLARATIONS OF INTEREST	
To receive any declarations of interest by Members in respect of items on the Agenda.	
3. MINUTES	1 - 24
To approve and sign the Minutes of the meeting held on 11th February, 2004.	
4. ITEM FOR INFORMATION - APPEALS	25 - 28
To note the Council's current position in respect of planning appeals for the Central Area of Herefordshire.	
5. HEAD OF PLANNING SERVICES REPORT	29 - 78
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 of Herefordshire and to authorise him to impose any additional conditions and reasons considered to be necessary.	
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.	
EXCLUSION OF THE PUBLIC AND PRESS	
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.	
RECOMMENDATION:	
THAT the public be excluded from the meeting for the following item of business	

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

79 - 80

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

- [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).
- 13) Information which, if disclosed to the public, would reveal that the authority proposes:
- (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment.
- 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 7th April, 2004.

Your Rights to Information and Attendance at Meetings

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 that operates 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.

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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 11th February, 2004 at 2.00 p.m.

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

Councillors Mrs. P.A. Andrews, Mrs. W.U. Attfield, Mrs. S.P.A. Daniels, P.J. Edwards, J.G.S. Guthrie, Mrs. M.D. Lloyd-Hayes, R.I. Matthews, 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 and R.M. Wilson.

In attendance: Councillors P.E. Harling, T.W. Hunt and J.B. Williams.

The Chairman welcomed Councillor Miss F. Short to the Sub-Committee.

54. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Mrs. E.M. Bew, A.C.R. Chappell, G.V. Hyde, J.C. Mayson and A.L. Williams.

55. DECLARATIONS OF INTEREST

The following declarations of interest were made.

<u>Councillor(s)</u>	<u>Item</u>	<u>Interest</u>
P.J. Edwards	Ref. 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	Declared a prejudicial interest and left the meeting for the duration of this item.
Mrs. S.J. Robertson and R.M. Wilson	Ref. 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	Both Members declared prejudicial interests during this item and left the meeting.
D.B. Wilcox	Ref. 6 - DCCE2003/3692/F Proposed extensions and internal alterations at: NEWSTEAD HOUSE RESIDENTIAL AND NURSING HOME, 43 VENNS LANE, HEREFORD, HR1 1DT	Declared a personal interest.

56. MINUTES

RESOLVED: That the Minutes of the meeting held on 14th January, 2004 be approved as a correct record and signed by the Chairman.

57. 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.

EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED: That under Section 100 (A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Schedule 12(A) of the Act, as indicated below.

SUMMARY OF THE PROCEEDINGS OF EXEMPT INFORMATION**58. ITEM FOR INFORMATION – ENFORCEMENT**

The Sub-Committee received an information report about enforcement matters within 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.]

59. DATE OF NEXT MEETING

It was noted that the next scheduled meeting was Wednesday 10th March, 2004.

The meeting ended at 3.20 p.m.

CHAIRMAN

APPENDIX

Ref. 1
**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) advised the Sub-Committee that the recommendation detailed in the report should be amended to include the words '*...Officers named in the Scheme of Delegation to Officers*'.

In accordance with the criteria for public speaking, Mrs. Lane spoke against the application and Mr. Lawer spoke in support of the application.

Councillor J.G.S. Guthrie, referring to the representations detailed in the report, commented on the significant local concern about the impact of the proposal on road safety and on the surrounding road network. He noted, however, that the Highways Agency had no objection subject to a Direction regarding conditions. He also noted the planning contributions to be made by the applicant in respect of highway works to the A49, off site highway works and community facilities; in particular, the provision of a bus stop off the main carriageway was welcomed.

A number of Members commented on road safety concerns but noted that none of the statutory consultees had raised any objections to the proposal.

RESOLVED:

That planning permission be granted subject to the following conditions and any others considered necessary by Officers named in the Scheme of Delegation to 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.

Ref. 2
HEREFORD
DCCW2003/2792/F

Proposed conversion of buildings into 3 dwellings:

HOLMER PARK, OFF ATTWOOD LANE, HEREFORD

For: **MR. D. EDWARDS, STATION APPROACH, HEREFORD, HR1 1BB**

In accordance with the criteria for public speaking, Mr. Owen spoke on behalf of Holmer Parish Council.

Councillor Mrs. S.J. Robertson, the Local Member, felt that there was a need for traffic calming measures, for work to be undertaken on the Grade II Listed Building in close proximity to the site and for drainage concerns to be addressed.

Councillor J.G.S. Guthrie commented on local concerns regarding drainage from the site.

The Central Divisional Planning Officer advised that a letter would be sent with the planning permission requiring a schedule of works for the Listed Building and advising the applicant of their statutory obligations. He advised that it would be unreasonable to require highway works outside the application site given the nature of this proposal. He also clarified the foul and surface water drainage arrangements.

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. 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.**

Ref. 3
WHITESTONE
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**

The Central Divisional Planning Officer reported the receipt of correspondence from the residents of a neighbouring property who indicated a willingness to withdraw their objection if the conifer trees on the adjoining boundary were not more than two metres in height. The Central Divisional Planning Officer commented that this was not a planning matter as the scheme was acceptable on its own merits and any agreement regarding the conifer trees would be a private matter.

Councillor R.M. Wilson, the Local Member, noted the amendments that had been made to the original submission to reduce the impact of the proposal on the amenities of the neighbouring property.

RESOLVED:

That planning permission be granted subject to the following conditions:

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

Reason: Required to be imposed by Section 91 of the Town

and Country Planning Act 1990.

2. **B01 (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.**

Ref. 4
LUGWARDINE
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**

Councillor Mrs. J.E. Pemberton, the Local Member, felt it regrettable that this was a retrospective application. It was noted that Hampton Bishop Parish Council supported the application.

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.**

Ref. 5

BARTESTREE

DCCE2003/3431/O

Site for erection of two no. detached houses with garages at:

LAND TO NORTH SIDE OF BARNEBY AVENUE, BARTESTREE, HEREFORD, HR1 4DHFor: **MR. E.F. HUNT PER FLINT & COOK, 4 KING STREET, HEREFORD, HR4 9BW**

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

It was noted that condition 9 and informative 3, as detailed in the report, should refer to the east and not the west boundary of the site.

A number of Members noted that there were no planning reasons to warrant refusal of this application but felt that there was a need for measures to improve highway safety, particularly given the close proximity of Lugwardine Primary School. The Principal Planning Officer recommended an informative note to highlight the need to include such measures as part of any future reserved matters application.

RESOLVED:

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 east 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 east 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.

6. The applicant is advised that when submitting an application for reserved matters approval the location of adjoining school and resulting traffic conditions will be a material consideration. The submitted scheme should be designed accordingly.

Ref. 6
HEREFORD
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**

Councillor D.B. Wilcox, a Local Member, commented on the difficulties caused by on-street parking in the vicinity of the site and welcomed measures to improve parking facilities within the application site. A number of Members supported this view.

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. **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 planing 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.**

Ref. 7
HEREFORD
DCCW2003/3419/F

Re-alignment of post and rail to property boundary at:

55 DORCHESTER WAY, BELMONT, HEREFORD, HR2 7ZW

For: **MR. S. COTTAM, 55 DORCHESTER WAY, BELMONT, HEREFORD, HR2 7ZW**

In accordance with the criteria for public speaking, Mr. Cottam spoke in support of the application.

Councillor P.J. Edwards, a Local Member, drew attention to the comments of Belmont Rural Parish Council and spoke in support of the view that to permit the application in its present form would set an unacceptable precedent. Councillor Edwards felt that determination of the application should be delegated to Officers, in consultation with the Local Members, in order to negotiate a re-alignment of the boundary fence and reduce the area to be enclosed. Councillor Ms. G.A. Powell, also a Local Member, supported this view.

In response, the Planning Assistant noted that the extent of the re-alignment had been substantially reduced from that proposed in a previous application which had been refused. He reminded the Sub-Committee that each application had to be considered on its individual merits and must not be prejudiced on the basis that less acceptable forms of development may ensue.

A motion to amend the recommendation failed and the Sub-Committee subsequently approved the recommendation as detailed in the report and reproduced below.

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. 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.**

Ref. 8
HEREFORD
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**

The Principal Planning Officer outlined noise attenuation measures proposed by the applicant.

The Local Members expressed concerns about the application but noted that Officers did not consider that any adverse harm would be caused to residential amenity.

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. 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.

Ref. 9
HEREFORD
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**

The Central Divisional Planning Officer recommended an additional condition which would require the submission of full details of drainage runs.

Councillor Mrs. J.E. Pemberton drew Members' attention to the comments of Fownhope Parish Council as summarised in the report. Councillor Mrs. Pemberton felt that the proposals were not in keeping with the character of the building and expressed concerns about the proposed new door, timber cladding, floor tiles, toilet facilities and tree works. Councillor Mrs. Pemberton proposed that a site visit be held as the character or appearance of the development itself was a

fundamental planning consideration and a judgement was required on visual impact.

RESOLVED:

That consideration of planning application DCCW2003/2973/F be deferred for a site visit.

Ref. 10
CREDENHILL
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**

In accordance with the criteria for public speaking, Mrs. Morris spoke against the application.

Councillor R.I. Matthews, the Local Member, noted the history of the surface water drainage and flooding problems and commented that the proposal might result in a possible improvement to the existing levels. Councillor Matthews proposed that site visit be held as the setting and surroundings were fundamental to the determination or to the conditions being considered.

RESOLVED:

That consideration of planning application DCCW2003/2973/F be deferred for a site visit.

Ref. 11
CREDENHILL
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**

The Central Divisional Planning Officer reported the receipt of correspondence from the applicant which clarified parking details and indicated that additional capacity could be provided.

In accordance with the criteria for public speaking, Mr. Jones spoke in support of the application.

Councillor R.I. Matthews, the Local Member, commented on the need to address the parking problems. In response to a question from Councillor Matthews, the Central Divisional Planning Officer advised that lighting in the parking area was likely to be provided by low-level bollards to limit impact of the proposal on residential amenity.

RESOLVED:

That planning permission be granted subject to the following conditions:

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

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

2. **B01 (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.**

ITEM FOR INFORMATION - APPEALS**APPEALS RECEIVED****Application No. EN2003/0033/ZZ**

- The appeal was received on 12th February, 2004.
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice.
- The appeal is brought by Mr. T. Grayburn.
- The site is located at Land at The Craft, Westhope, Hereford.
- The breach of planning control alleged in this notice is Without planning permission, change of use of the land from that of agriculture to the mixed use of agriculture and the siting of a caravan for residential purposes.
- The requirements of the notice are: To remove the caravan from the land.
- The appeal is to be heard by Inquiry

Case Officer: Mr. Steve MacPherson on 01432 261946

Application No. DCCW2003/2106/F

- The appeal was received on 4th February, 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 T. Grayburn
- The site is located at The Craft, Westhope, Canon Pyon, Herefordshire, HR4 OBU.
- The development proposed is Retrospective application to continue siting of temporary caravan for agricultural purposes.
- The appeal is to be heard by Inquiry.

Case Officer: Mr. Steve MacPherson on 01432 261946

Application No. DCCE2003/2985/F

- The appeal was received on 2nd February, 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 Hutchison 3G (UK) Ltd.
- The site is located at Franklin House, Blueschool Street, Hereford, HR1 2AR.
- The development proposed is Installation of telecommunications equipment comprising 3 antenna, 2 transmission dishes, cabinet equipment and associated ancillary equipment.
- The appeal is to be heard by Written Representations.

Case Officer: Mr. Andrew Guest 01432 261957

Application No. DCCE2003/1736/F

- The appeal was received on 2nd 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 Owen Pell Ltd.
- The site is located at Owen Pell Ltd, Twyford Road, Rotherwas Industrial Estate, Hereford, Herefordshire, HR2 6JR.
- The development proposed is Erection of 2 no. units for light Industrial use.
- The appeal is to be heard by Hearing.

Case Officer: Miss Kelly Gibbons on 01432 261949

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

Application No. DCCE2003/1691/F

- The appeal was received on 2nd February, 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. & Mrs. N. Edmondson.
- The site is located at Common Hill Reservoir, Common Hill Farm, Fownhope, Hereford, Herefordshire, HR1 4PZ.
- The development proposed is Change of use of reservoir to single holiday cottage.
- The appeal is to be heard by Hearing.

Case Officer: Mr. Andrew Guest on 01432 261957

APPEALS DETERMINED

Application No. CW2003/1257/O

- The appeal was received on 30th July, 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. V. Gethin.
- The site is located at Land at Sugwas Pool, Swainshill, Herefordshire.
- The application, dated 3rd April, 2003, was refused on 17th June, 2003.
- The development proposed was Site for outline application for 1 No. dwelling.
- The main issues to be whether the appeal site is in a settlement or the open countryside for the purposes of relevant policies;
- the effect on the character and appearance of the area;
- whether there is a local housing requirement or need for the development;
- the effect on the need to travel, particularly by car;
- the effect on highway safety.

Decision: The appeal was Dismissed on 23rd February, 2004.

Case Officer: Mr. Steve MacPherson on 01432 269146

Application No. DCCW2003/1619/F

- The appeal was received on 3rd November, 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. A.R. Bird
- The site is located at Holmer Street, Hereford, Herefordshire, HR4 0HN.
- The application, dated 2nd May, 2003, was refused on 25th July, 2003.
- The development proposed was New detached house.
- The main issue is the effect of the proposed development on the character and appearance of the surrounding area; and the living conditions of neighboring residents, and of future residents of the proposed new dwelling, with regard to overlooking and privacy.

Decision: The appeal was Dismissed on 10th February, 2004

Case Officer: Mr. Steve MacPherson on 01432 269146

Application No. CW2003/1054/F

- The appeal was received on 31st 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 Messrs Powell/Gilbert.
- The site is located at Tillington Court Farm, Tillington, Hereford, Herefordshire, HR4 8LG
- The application, dated 2nd April, 2003, was refused on 9th July, 2003.
- The development proposed was Improvements to access and track.
- The main issue is the effect of the proposed development on highway safety.

Decision: The appeal was Allowed on 12th February, 2004

Case Officer: Mr. Steve MacPherson on 01432 269146

Application No. DCCW2003/2223/F

- The appeal was received on 11th November, 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. Marshall.
- The site is located at Heathfield, Breinton, Hereford, Herefordshire, HR4 7PP.
- The application, dated 15th July, 2003, was refused on 15th September, 2003.
- The development proposed was Extension and alterations to existing garage to provide detached ancillary accommodation (retaining single garage).
- The main issue is whether a proposal would comply with planning policy governing development in the countryside.

Decision: The appeal was Dismissed on 19th February, 2004

Case Officer: Mr. Steve MacPherson on 01432 269146

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 VISITS

1	St. Mary's PCC	Provision of new w.c., alterations to porch and associated site works at St. Mary's Church, Fownhope, Herefordshire	DCCE2003/2992/F	31
2	Wyevale Container Plants Ltd.	Construction of three water storage tanks at Lower Veldifer Field, Roman Road, Credenhill, Herefordshire	DCCW2003/2973/F	37

APPLICATIONS RECEIVED

3	K.W. Bell & Son Ltd.	Demolition of existing building (Hatterall Hall) and erection of five detached dwellings with associated garaging, access road and drainage at Land at Hatterall Hall, Folly Lane, Hereford, HR1 1LS	DCCE2003/3122/F	41
4	Mr. & Mrs. M.P. Parkin	Retrospective application for the erection of a car port at Dinedor Court, Dinedor, Hereford	DCCE2003/3867/F	49
5	Mr. J. Stewart	Proposed detached bungalow at Shelwick Farm, Shelwick, Hereford, HR1 3AL	DCCW2003/3856/F	53
6	Mr. & Mrs. Gwynne	Proposed first floor extension and erection of shed at 11 Yarlington Mill, Hereford, HR2 7UB	DCCW2004/0231/F	57
7	Mr. J.A. Ashcroft	Renewal of temporary permission to allow permanent permission and variation of Condition 1 of planning permission CW2001/2639/F for use of welding and fabrication at Amberley Workshop, Marden, Hereford, HR1 3BS	DCCW2004/0034/F	61
8	Richard Harper Estates	Three storey development of 16 no. 2 bed flats and 1 no. 1 bed flat at 36 Folly Lane, Hereford, HR1 1LX	DCCE2004/0190/F	67
9	Herefordshire Council	Provision of new cycleway from the Great Western Way and Beaufort Avenue to Marlbrook Road, Hereford	DCCW2004/0063/F	75

1 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

This application was deferred at the February meeting of the Central Area Planning Sub-Committee for a Committee site visit, the report and recommendation below remain unaltered.

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 Planning Permission.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

2 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

This application was deferred at the meeting of the Central Area Planning Sub-Committee on the 11th February 2004 in order that Members could undertake a site visit, held on 23rd February 2004.

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

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

- 3. G05 (Implementation of landscaping scheme (general)).**

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

Informative:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

3 DCCE2003/3122/F - DEMOLITION OF EXISTING BUILDING (HATTERALL HALL) AND ERECTION OF FIVE DETACHED DWELLINGS WITH ASSOCIATED GARAGING, ACCESS ROAD AND DRAINAGE AT LAND AT HATTERALL HALL, FOLLY LANE, HEREFORD, HR1 1LS

**For: K.W. Bell & Son Ltd., Whimsey Industrial Estate,
Steam Mills Road, Cinderford**

Date Received: 15th October 2003

Ward: Aylestone

Grid Ref: 52166, 40508

Expiry Date: 10th December 2003

Local Member: Councillor D.B. Wilcox and A.L. Williams

1. Site Description and Proposal

- 1.1 The 0.3ha application site is located on the south-west side of Folly Lane within the Established Residential Area. It is surrounded on three sides by existing housing with the colleges opposite. The site presently supports Haterall Hall, a mid-nineteenth century former house last used for educational purposes by the Hereford College of Technology but presently vacant. The grounds support a car park for the college, gardens and a large brick constructed outbuilding, partly owned by the adjoining residential property. The trees on the road frontage and adjacent to No. 27 Belgravia Gardens are the subject of a Tree Preservation Order.
- 1.2 The proposal is to demolish the existing buildings on the site and erect five detached houses with garages and private access road. The houses would be four bedroom and two storey, although chalet style at the rear of the site. Two of the houses would front Folly Lane with the access road running between, utilising the existing access to the site. A number of trees would be removed within the site, including several from the Tree Preservation Order. Existing boundary walls with adjoining properties would be retained where appropriate or new walls / fences erected. The demolished outbuilding would be replaced with a new double garage for the adjoining property, No. 51 Folly Lane.

2. Policies

2.1 Hereford Local Plan:

ENV14	-	Design
ENV16	-	Landscaping
H3	-	Design of new residential development
H4	-	Residential roads
H12	-	Established residential areas - character and amenity
H13	-	Established residential areas - loss of features
H14	-	Established residential areas - site factors
SC9	-	Retention of local facilities

2.2 Herefordshire UDP (Deposit Draft)

S1	-	Sustainable development
S2	-	Development requirements
S3	-	Housing
DR1	-	Design
H1	-	Hereford and the market towns
H13	-	Sustainable residential design
H14	-	Re-using previously developed land and buildings
H15	-	Density
H16	-	Car parking
CF6	-	Retention of existing facilities

3. Planning History

3.1 There is no relevant planning history.

4. Consultation Summary

Statutory Consultations

4.1 Dwr Cymru Welsh Water : No objection subject to conditions.

Internal Council Advice

4.2 Head of Engineering and Transportation : Recommends conditions.

4.3 Chief Conservation Officer : No objection to tree removals or demolition of existing buildings.

5. Representations

5.1 Hereford City Council : No objection.

5.2 Representations have been received from Nos. 15, 22, 26 (x6) and 27 Belgravia Gardens, 13 Aylestone Drive and 49 Folly Lane summarised as follows:

- loss of trees;
- impact on wild life;
- loss of privacy, in particular in view of changes in levels between site and adjoining land;
- existing buildings should be retained and Listed;
- existing boundary walls should be retained and repaired, where necessary.

5.3 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. Officer's Appraisal

6.1 The main issues in this case are the principle of residential development on the site and, if this is established, the specific impact of the proposals on the character and amenities of the area and highway safety.

6.2 The application site lies within the Established Residential Area where residential development can be appropriate as a matter of principle. The site presently supports

an older former house which a number of third parties consider should be Listed. Consideration was given to its Listing by the Department for Culture, Media and Sport (the body responsible for the Listing of buildings), in July 2003 but not proceeded with, the Inspector concluding that the criteria for Listing was not fulfilled. Specifically, the Inspector stated that “while the building makes an important contribution to its area and retains a fine late C.19 conservatory, it does not have the special architectural interest for a house built in the 1860’s to merit Listing”. In view of this and in view of the current proposal’s acceptable impact in terms of policies H12, H13 and H14 (see more below), demolition of the existing building is considered appropriate and not a justifiable reason for refusing planning permission.

- 6.3 Policy H12 requires the environmental character and amenity of the established residential areas to be protected and, where appropriate, enhanced. Policies H13 and H14 set out specific criteria requiring, in particular, appropriate relationships between proposed and existing developments, adequate means of access and servicing, acceptable landscaping and an appropriate impact on the overall character of the area.
- 6.4 Having regard to the policy requirements, the proposal is considered to be acceptable within its particular context. Specifically, the proposed density and spatial standards are comparable with surrounding development and adequate privacy margins are provided to the boundaries of the site in the interests of residential amenity. In view of the drop in levels at the rear of the site down to the adjoining properties in Belgravia Gardens and Aylestone Drive, the rear houses are proposed to be chalet style with lower overall ridge lines. This would prevent an overbearing relationship. The houses at the front of the site follow the general building line established by the neighbouring houses ensuring uniformity in the street scene and safeguarding the majority of the frontage trees.
- 6.5 A number of trees would be removed including mature specimens at the rear of the site and a cedar within the TPO. The trees at the rear of the site are not considered to be of public amenity value and, consequently, their removal cannot readily be resisted. A landscaping condition is recommended to achieve appropriate new tree planting on the site. The cedar, although an attractive tree, is diseased and its removal has, therefore, been agreed for safety reasons. No objection is seen to careful thinning of other trees along the frontage in the interests of opening up the site; no other frontage in Folly Lane is as densely planted. The Tree Preservation Order would continue to protect the majority of the frontage trees indicated to be retained.
- 6.6 It is the intention of the applicant to retain existing boundary treatments where appropriate or erect new walls or fences in other areas. This includes a new 1.8 metre high wall on the repositioned boundary with No. 49 Folly Lane and a 1.8 metre high close boarded fence with Nos. 14 and 15 Belgravia Gardens. A condition is recommended to clarify this detail.
- 6.7 In conclusion, this proposal is considered to comprise an appropriate “in fill” within the Established Residential Area, compatible with surrounding development and in keeping with the general character of the area, in accordance with Development Plan policy.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this 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. Folly 1C, Ashby.1, Hereford, Hertford, Gar.1), 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 development shall take place until details or samples of materials to be used externally on walls and roofs 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.

- 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 Foul water and surface water discharges must be drained separately from the site.

Reason: To protect the integrity of the public sewerage system.

- 6 There shall be no, direct or indirect, discharge of surface water or land drainage run off to the public foul sewer.

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

- 7 The side elevation windows serving "Bedroom 2" and "Guest Bedroom" in Plots 2 and 3 shall be glazed with obscured glass and fixed shut.

Reason: To safeguard the amenities of adjoining properties.

- 8 No materials or substances shall be incinerated within the application site during the construction phase.

Reason: To safeguard residential amenity and prevent pollution.

- 9 No development shall commence on site or machinery or materials brought onto the site for the purpose of development until a landscape design has been

submitted to and approved by the local planning authority. The submitted design shall include drawings at a scale of 1:200 or 1:500 and a written specification clearly describing the species, sizes, densities and planting numbers. Drawings must include accurate details of all existing trees and hedgerows with their location, species, size, condition, any proposed tree surgery and an indication of which are to be retained and which are to be removed.

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

- 10 The landscaping scheme approved under condition 9 above shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion of the development. The landscaping shall be maintained for a period of 5 years. During this time any trees, shrubs or other plants which are removed, die, or are seriously retarded shall be replaced during the next planting season with others of similar size and species unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year maintenance period.

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

- 11 This permission does not authorise any works to trees included in the Tree Preservation Order except that detailed on drawing no. Folly 1c. Any further work shall be the subject of an application for consent to the local planning authority, in accordance with the provisions of the Tree Preservation Order and the law on Tree Preservation Orders in force at the time of the application.

Reason: To ensure the proper care and maintenance of the trees.

- 12 In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 1 year from the date of the occupation of the building for its permitted use.

- (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).
- (b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.
- (c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered,

nor shall any excavation be made, without the written consent of the local planning authority.

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

- 13 All existing boundary walls which define the boundaries of the site shall be permanently retained; the new boundary walls adjacent to No. 49 Folly Lane and adjacent to the highway shall be erected prior to the occupation of any of the dwellings hereby approved; the boundary wall adjacent to the highway shall not exceed 0.9m in height.

Reason: To clarify the terms of the permission and safeguard the amenities of the locality.

- 14 Prior to the occupation of any of the dwellings hereby approved, details of the treatment of the rear boundary of the site shall be submitted for approval in writing by the local planning authority and the approved details shall be implemented within 2 months thereafter.

Reason: The application contains insufficient detail for the satisfactory consideration of this detail at this stage.

- 15 Prior to occupation of any of the dwellings hereby approved, the double garage for No. 51 Folly Lane shall be completed to the satisfaction of the local planning authority in accordance with the agreed scheme.

Reason: To accord with the terms of the application.

- 16 Before any other works hereby approved are commenced, visibility splays shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 2.4m x 90m metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 90 metres in each direction along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

Reason: In the interests of highway safety.

- 17 Notwithstanding the approved details, there shall be no gates across the access road to the development hereby approved.

Reason: To ensure the development is in keeping with the open character of existing housing in the locality.

- 18 Prior to the occupation of the development hereby approved the driveway and/or vehicular turning area shall be consolidated, surfaced and drained in accordance with details to be submitted to and approved in writing by the local planning authority at a gradient not steeper than 1 in 8.

Reason: In the interests of highway safety.

- 19 The development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plan have

been properly consolidated, surfaced, drained and otherwise constructed in accordance with 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: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

- 20** Development shall not begin until parking for site operatives and visitors has been provided within the application site in accordance with details to be submitted to and approved by the local planning authority and such provision shall be retained and kept available during construction of the development.

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

Informatives:

- 1** This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Mr. A.G. Culley, Divisional Surveyor (South), Unit 3, Thorn Business Park, Rotherwas, Hereford Tel: 01432-261955, shall be given at least 28 days' notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an approved specification for the works together with a list of approved contractors.
- 2** Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.
- 3** This permission does not imply any rights of entry to any adjoining property nor does it imply that the development may extend into or project over or under any adjoining boundary.
- 4** Your attention is drawn to Section 80 of the Building Act 1984 whereby no demolition may be carried out without proper notice to the local authority and a counter notice issued under Section 81.
- 5** Your attention is drawn to the Party Wall Act 1996. The Act will apply where work is to be carried out on the following:

Work on an existing wall or structure shared with another property
Building a free standing wall or a wall of a building up to or astride the boundary with a neighbouring property
Excavating near a neighbouring building.

The legal requirements of this Act lies with the building/site owner, they must find out whether the works subject of this planning permission falls within the terms of the Party Wall Act. There are no requirements or duty on the part of the local authority in such matters. Further information can be obtained from the DETR publication The Party Wall Act 1996 - explanatory booklet. Copies are available from the Planning Reception, Blueschool House, Blueschool Street, Hereford.

- 6 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:

Hereford Local Plan:

ENV14 - Design

ENV16 - Landscaping

H3 - Design of new residential development

H4 - Residential roads

H12 - Established residential areas - character and amenity

H13 Established residential areas - loss of features

H14 - Established residential areas - site factors

SC9 - Retention of local facilities

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).

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

4 DCCE2003/3867/F - RETROSPECTIVE APPLICATION FOR THE ERECTION OF A CAR-PORT DINEDOR COURT, DINEDOR, HEREFORD, HEREFORDSHIRE, HR2 6LG**For: Mr. & Mrs. M.P. Parkin of the same address****Date Received: 23rd December 2003 Ward: Hollington Grid Ref: 54512, 36801****Expiry Date: 17th February 2004**

Local Member: Councillor W.J.S. Thomas

1. Site Description and Proposal

- 1.1 The application site for the carport lies within the grounds of Dinedor Court. The site is north of the listed dwelling and adjacent to the existing driveway serving Dinedor Court. The carport has been sited in a back to back position with an existing outbuilding.
- 1.2 The application is a retrospective application for the retention of a carport for the occupants of Dinedor Court. The carport is a timber construction with slate roof and consists of 3 car bays. The carport measures 7.6m in width (with the 3 bay open bay frontage), and a depth of 5.5m. The height to the eaves is 2.7m with a ridge height of 4m.

2. Policies

- 2.1 Planning Policy Guidance
PPG.1 - General Policy & Principles
PPG.15 - Planning and the Historic Environment
- 2.2 Hereford & Worcester Structure Plan
CTC.2 – Development in Area of Great Landscape Value
CTC.13 – Buildings of Special Architectural or Historic Interest
- 2.3 South Herefordshire District Local Plan
GD.1 – General development criteria
C.8 – Development within Area of Great Landscape Value
C.29 – Setting of a Listed Building
- 2.4 Unitary Development Plan (Deposit Draft)
LA.2 – Landscape character and areas least resilient to change
HBA.4 – Setting of a Listed Building

3. Planning History

CE1999/1882/F - Detached garage and stable block for domestic use and erection of a boundary wall. Approved with conditions 13 October 1999.

There have been a number of applications since the early 1990's relating to the conversion of barns and erection of dwellings within the "Dinedor Court" complex. These are not relevant to the current application.

4. Consultation Summary

Statutory Consultations

4.1 No statutory consultations were made on this application.

Internal Council Advice

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

4.3 The Chief Conservation Officer comments that the carport does not adversely affect the setting of the listed building, principally due to its location. Dinedor Court has an elevated position with the carport being set at a significantly lower ground level at the rear of the site and as far from the listed building as is feasible within this site. There are no objections to the application.

5. Representations

5.1 The Parish Council has not responded to this application.

5.2 Two letters of support have been received, the first from N. C. Austin of Boat Meadows, Dinedor Court. This letter is summarised as follows:

"As the householders of the property that looks directly at the carport, in my view the carport, built in parallel to the existing carport, presents a pleasant aspect, especially since the structures mirror each other, have incorporated various traditional attributes and their wooden walls are totally sympathetic to the neighbourhood."

The second letter, from Mr. G. P. Loosemoore of the New Barn, makes the following observation:

"I have absolutely no objection to the carport. I believe it to be not only considerately sited and built to a good standard, but also in absolute sympathy with the surrounding buildings."

5.3 One letter of objection from Mr. K. B. Sisson of River View Barn, Dinedor Court, has also been received. The material planning consideration raised in this letter can be summarised as follows:

- concerns regarding the "unsightly view" and creating "unnecessary noise".
- The applicant already has a massive garage within the grounds of Dinedor Court and he questions the necessity of a further "new build" carport.
- "Should this carport be allowed to remain it is an open invitation to erect any building, then apply for planning consent retrospectively. I do believe that the authorities should make an example of this for the whole of Herefordshire to learn from and have the offending constructions removed."
- The letter also refers to matters that do not relate to the current 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 main issues for consideration in the appraisal of this application are

- The impact of the carport on the setting of the Grade II listed building
- The impact on and relationship with the adjoining properties
- The impact of the carport on the Area of Great Landscape Value.

6.2 The carport is sited discreetly amongst the existing “complex” of dwellings and outbuildings that lie to the north of Dinedor Court. Having regard to this unobtrusive siting and the difference in ground levels between the carport and Dinedor Court that sits in an elevated position, it is considered that the carport does not have a detrimental impact on the setting of the listed building. The materials that have been used (timber and slate) are also sympathetic to the character and appearance of the listed building and surroundings.

6.3 The carport is “back to back” with an existing carport belonging to “Nellies Oak”. The carport does not have a detrimental impact on the amenities currently enjoyed by the adjacent occupants. No objections have been raised from the immediate neighbours. The use as a carport is unlikely to cause noise / disturbance above and beyond that if the driveway was used to park vehicles. As such, it is considered that the carport complies with policy GD.1 of the South Herefordshire Local Plan.

6.4 The site lies within the Area of Great Landscape Value as designated in the South Herefordshire Local Plan. The carport is positioned amongst various other dwellings and outbuildings at a lower ground level than adjacent buildings. As such, the carport is unobtrusive and has no impact on the Area of Great Landscape Value.

6.5 The letter of objection raises issues regarding appearance of the carport. However, it is your officer’s opinion that the materials and design of the carport are in keeping with the surroundings and an unobtrusive form of development serving the dwelling. It is noted that the dwelling has other garage facilities but this fact does not outweigh the merits of the developments.

6.6 To conclude, this is a retrospective application for a 3 bay carport that has been constructed with traditional materials. It has been in a position that is unobtrusive on the landscape and has no detriment to the setting of the listed building. The carport does not negatively impact on the residential amenities of the adjoining neighbours and sits comfortably in its surroundings. As such, the carport is not contrary to the policies of the South Herefordshire Local Plan and is therefore recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following condition:

- 1 The garage hereby permitted shall be used solely for the garaging of private vehicles and for purposes incidental to the enjoyment of the dwelling house as such and not for the carrying out of any trade or business.**

Reason: To ensure that the garage is used only for the purposes ancillary to the dwelling.

Informative:

- 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:

South Herefordshire District Local Plan
GD.1 - General development criteria
C.8 - Development within the Area of Great Landscape Value
C.29 - Setting of a Listed Building

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).

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

5 DCCW2003/3856/F - PROPOSED DETACHED BUNGALOW AT SHELWICK FARM, SHELWICK, HEREFORD, HR1 3AL**For: Mr. J. Stewart of the same address****Date Received: 23rd December 2003** **Ward: Burghill, Holmer & Lyde****Grid Ref: 52275, 43015****Expiry Date: 17th February 2004**

Local Member: Councillor Mrs. S.J. Robertson

1. Site Description and Proposal

- 1.1 The application site falls within Shelwick, a mainly linear settlement situated approximately 1.5 kilometres to the north east of Hereford. The site, which is towards the centre of the village, is an area of land between the original farmhouse to the former Shelwick Farm and the detached property known as 'Kedleston House' to the east.
- 1.2 The proposal is for the erection of a two bedroom detached bungalow and involves the formation of parking and turning area to the front of the site with private amenity space to the rear.
- 1.3 It is proposed that two mature conifers adjacent to the roadside be removed, along with a small single storey outbuilding set slightly further back into the site.

2. Policies**2.1 South Herefordshire District Local Plan:**

Policy GD1	-	General Development Criteria
Policy C30	-	Open Lane in Settlements
Policy SH10	-	Housing in Smaller Settlements

2.2 Herefordshire Unitary Development Plan (Deposit Draft):

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S3	-	Housing

3. Planning History

- 3.1 SH940616/PO Outline permission for dwelling house with vehicular access. Allowed at Appeal 22nd March 1995.

4. Consultation SummaryStatutory Consultations

- 4.1 Environment Agency initially submitted a "holding objection" due to concerns over the proposed treatment of foul drainage. Porosity tests revealed a value considerably in excess of the upper limit normally permitted for soakaways. Following negotiations with the applicant, the Agency has indicated that they are willing to withdraw the objection. However they recommend that any permission be subject to a condition requiring the submission of a scheme of foul drainage to be approved in writing by the local planning authority prior to the development being brought into use.

Internal Council Advice

- 4.2 Head of Engineering and Transportation recommends a condition relating to access, turning area and parking.
- 4.3 Chief Forward Planning Officer: "The applicant should be required to prove local need prior to the determination of this application. Otherwise, there are no policy objections to the principle of development."

5. Representations

- 5.1 Holmer & Shelwick Parish Council: The Parish Council has no objection to the principle of development but feel that a two storey cottage would be more appropriate than the bungalow proposed.
- 5.2 Five letters of objection have been received from local residents. The main issues are summarised as follows:
- The proposal is out of keeping with the wider area and contrary to Policies GD1, S1A and SH10 of the South Herefordshire District Local Plan.
 - The proposal will exacerbate flooding which has been common at this point.
 - The proposed access and egress arrangements would be dangerous.
 - The scheme is not substantially dissimilar to other proposals in the area that have been refused.
- 5.3 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, its impact on the character and appearance of the area, residential amenity and highway safety.
- 6.2 Regarding the principle of residential development, the site falls within the defined Shelwick settlement where Policy SH10 of the South Herefordshire District Local Plan permits small-scale housing development provided that a number of criteria can be satisfied.
- 6.3 An Inspector clarified the principle of development on this site in 1995 (Local Planning Authority reference: SH940616PO), when allowing an outline application at appeal for the erection of a single dwelling with vehicular access. The Inspector considered that

the main issue in the determination of that appeal was the effect that the proposal would have upon the character and appearance of the area.

- 6.4 The Inspector concluded that although the plot (which is identical to that being considered now) is narrower than others in the vicinity a satisfactory spatial arrangement between dwellings could be obtained. Further, the Inspector was satisfied that the additional level of traffic would not prejudice highway safety and that the removal of the conifer trees and outbuilding would not be detrimental to the character and appearance of the area.
- 6.5 Although narrower than most building plots in the locality, Officers are satisfied that the margins afforded between dwellings would lead to an acceptable form of development and the dimensions of the plot are such that the proposal will incorporate an adequate provision of private amenity space.
- 6.6 This issue of access and egress to and from Shelwick Farm has been raised in letters of representation. However, this issue does not form one of the material issues against which this application is assessed. The road from which access is sought is unclassified and Members are reminded that the creation of a new vehicular access and the formation of a parking area within the domestic curtilage of a dwelling fronting an unclassified road would not require the benefit of planning permission.
- 6.7 The Environment Agency have indicated that the revised foul drainage system proposed by the applicant would mitigate concerns regarding the high percolation test readings referred to in paragraph 4.1 and have confirmed a wish to withdraw a "holding objection" by letter dated 20th February 2004. Notwithstanding this, the agency would recommend the imposition of a condition relating to a scheme of foul drainage. Local residents have expressed concern over localised flooding, although the Agency has made no comment on this issue.
- 6.8 Policy SH10 will only permit development where it can clearly be demonstrated that there is a local need and that the development would be sustainable in terms of reducing the need to travel. This policy arose specifically as a result of an over provision of housing identified within the South Herefordshire district in the plan period 1996-2001. Although the plan is time expired, the policy is still applicable, and to demonstrate local need the applicant has submitted correspondence from local estate agents confirming that there is a demand for new build dwellings in this area. This information has been considered adequate by Inspectors to demonstrate local need in recent appeal hearings.
- 6.9 In view of the material issues raised in the report it is considered that the application accords with the relevant Local Plan policy in that the character and appearance of the area will not be harmed unduly and that a local need has been demonstrated to the satisfaction of Officers. Due regard must be had to the Inspector's appeal decision in allowing an outline application in 1995, and it is considered that the key issues in determination of the application are applicable today.

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

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

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

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

- 5. **G01 (Details of boundary treatments).**

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

- 6. **G02 (Landscaping scheme (housing development)).**

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

- 7. **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.

- 8. **H13 (Access, turning area and parking).**

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

Informatives:

- 1. **N14 - Party Wall Act 1996.**
- 2. **N15 - Reason(s) for the Grant of Planning Permission.**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

6 DCCW2004/0231/F - PROPOSED FIRST FLOOR EXTENSION AND ERECTION OF SHED AT 11 YARLINGTON MILL, BELMONT, HEREFORD, HR2 7UB**For: Mr. & Mrs. Gwynne per John Phipps, Bank Lodge, Coldwells Road, Holmer, Hereford, HR1 1LH****Date Received: 20th January 2004 Ward: Belmont Grid Ref: 49445, 38366****Expiry Date: 16th March 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 comprises a semi-detached two storey dwelling that lies within the cul-de-sac called Yarlington Mill, Belmont. The main, irregularly shaped garden space is situated to the rear of the property and backs onto the properties on Field Farm Mews, in what is a tightly defined residential area.
- 1.2 The proposal involves the extension of the existing integral garage to the south-western elevation of the dwelling, which has previously been converted to form additional habitable accommodation. It is proposed that the building line of the former garage be brought forward to accommodate an additional bedroom over, whilst retaining the rear roof slope.
- 1.3 A lean-to shed is also proposed to the south-western elevation to abut the dwelling as extended.

2. Policies**2.1 South Herefordshire District Local Plan:**

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

2.2 Herefordshire Unitary Development Plan (Deposit Draft):

Policy DR1	-	Design
Policy H18	-	Alterations and Extensions

3. Planning History

- 3.1 None recorded.

4. Consultation SummaryStatutory Consultations

- 4.1 No statutory consultations were undertaken.

Internal Council Advice

4.2 Head of Engineering and Transportation has no objection.

5. Representations

5.1 Belmont Rural Parish Council: The Council note that the original integral garage has already been converted to living accommodation. The Council would request that the applicant is required to provide two parking spaces within the curtilage of their property as a condition of any approval, as parking space is at a premium at this location.

5.2 Three letters of objection have been received from the residents of Nos. 20, 21 and 22 Field Farm Mews (properties that back onto the application site). The points raised are summarised as follows:

- The proposal is for a substantial extension which would overlook the rear of properties on Field Farm Mews and be invasive to privacy.
- The extension would block the view from the rear of the dwellings and spoil the landscape.

5.3 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 are the principle of the proposed extension in relation to the existing dwelling, the impact upon the amenities of the neighbouring properties and the provision of adequate off-street parking.

6.2 Policy SH23 of the South Herefordshire District Local Plan allows for extensions to dwellings provided that the proposal is in keeping with the character of the existing dwelling in terms of mass, scale, design and materials. The proposed extension to the existing former garage involves an increase in eaves height of approximately 400mm and the retention of a roof slope which will tie in with that of the main dwelling.

6.3 The only new opening when viewed from the rear is a small roof light, which due to its location midway up the roof slope would not give rise to an unacceptable level of direct overlooking or loss of privacy to the residents of Field Farm Mews. However, in the interests of protecting residential amenity it is recommended that the proposed roof light be obscure glazed. The design and orientation of the proposed extension and the physical relationship between the application site and neighbouring properties is such that the adjoining properties will suffer no loss of light.

6.4 The Parish Council has requested that the applicant be required to provide two off-street parking spaces as a condition of any permission that may be granted. Although the Head of Engineering and Transportation has recorded no objection to the scheme, this could be pursued through the imposition of an appropriate condition.

6.5 Concern has been raised that the site for the proposed shed falls outside the ownership of the applicant. The onus regarding proof of ownership rests with the applicant who has signed Certificate A, certifying that they were in sole ownership of the site on the day 21 days before the application was made valid. In this instance the application will be determined on the basis that this information is correct.

6.6 In view of all the material considerations raised above it is considered that the scheme accords with the relevant Local Plan policy and 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. **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. **B01 (Samples of external materials).**

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

- 4. **E18 (No new windows in specified elevation).**

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

- 5. **E19 (Obscure glazing to windows).**

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

- 6. **H13 (Access, turning area and parking).**

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

Informatives:

- 1. **HN02 - Public rights of way affected.**
- 2. **N15 - Reason(s) for the Grant of Planning Permission.**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

7 DCCW2004/0034/F - RENEWAL OF TEMPORARY PERMISSION TO ALLOW PERMANENT PERMISSION AND VARIATION OF CONDITION 1 OF PLANNING PERMISSION CW2001/2639/F FOR USE OF WELDING AND FABRICATION AT AMBERLEY WORKSHOP, MARDEN, HEREFORD, HR1 3BS

For: Mr. J.A. Ashcroft, 16 Orchard Green, Marden, Hereford, HR1 3ED

Date Received: 6th January 2004

Ward: Sutton Walls

Grid Ref: 54009, 47584

Expiry Date: 2nd March 2004

Local Member: Councillor J.G.S. Guthrie

1. Site Description and Proposal

1.1 The site is located on the west side of the Sutton to Bodenham road at the junction with Wyatt Road. The site is just to the south of the Amberley Arms Public House (formerly The New Inn). It is 0.5 hectares in area measuring approximately 46 metres in diameter and 120 metres in depth.

1.2 This application seeks full planning permission to allow the permanent use of Amberley Workshop as a welding and fabrication business and a variation of Condition 1 attached to planning permission CW2001/2639/F which restricted the use of the building for welding and fabrication of agricultural vehicle parts and agricultural building/equipment parts only.

2. Policies

2.1 Planning Policy Guidance:

PPG1 - General Policy and Principles
 PPG4 - Industrial and Commercial Development and Small Firms
 PPG7 - The Countryside – Environmental Quality and Economic and Social Development

2.2 Hereford and Worcester County Structure Plan:

Policy E1 - Economic Growth
 Policy E6 - Industrial Growth in Rural Areas
 Policy E8 - Industrial Development in Rural Areas
 Policy CTC9 - Development Requirements
 Policy CTC14 - Conversion of Buildings
 Policy A1 - Development on Agricultural Land
 Policy A2 - Diversification

2.3 South Herefordshire District Local Plan:

Policy GD1	-	General Development Criteria
Policy C1	-	Development in Open Countryside
Policy C36	-	Reuse and Adaptation of Rural Buildings
Policy ED3	-	Employment Proposals Within/adjacent to Settlements
Policy ED6	-	Employment in the Countryside
Policy ED7	-	Reuse and Adaptation of Rural Buildings for Employment/ Tourism Use
Policy ED8	-	Farm Diversification
Policy T4	-	Highway and Parking Standards

2.4 Herefordshire Unitary Development Plan (Deposit Draft):

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy E11	-	Employment in the Countryside

3. Planning History

- 3.1 SH980258FZ Proposed three bay tractor/implement shed - Planning Permission Required 06/04/1998.
- SC980394PF Agricultural buildings cut into landscape (retention of) - Approved 23/09/1998.
- CW2001/2639/F 1) Retrospective planning permission for 70 metres of roadway from existing site to highway. 2) Change of use of existing building from agricultural to a welding and fabrication business for agricultural vehicle parts, building/equipment parts. 3) Demolition of existing loose boxes and erection of new building for stabling, tack room and store - Approved 23/01/2002.
- CW2002/3326/F Change of use and conversion of Amberley Workshop to disabled residential property - Refused 19/03/2003. Appeal dismissed 3rd September 2003.

4. Consultation SummaryStatutory Consultations

- 4.1 None.

Internal Council Advice

- 4.2 Head of Engineering & Transportation: If the variation of Condition 1 is not going to increase the intensity of use then no objections would be raised to the grant of planning permission.
- 4.3 Head of Environmental Health & Trading Standards: No objection as long as Conditions 5, 6 and 9 of previous permission CW2001/2639/F are retained.

5. Representations

- 5.1 Marden Parish Council: The Parish Council agree that a) it has no objection to the proposed variation of Condition 1 of planning permission CW2001/2639/F, and b) it is opposed to the granting of a renewal on a permanent basis and would prefer a

temporary period to allow for future reviews of activities at the site. The length of the temporary period of the permission is at the discretion of Herefordshire Council.

5.2 Two letters of objection have been received from John Sanders, Amberley House, Sutton St. Nicholas, Hereford and from Chris Barltrop, Amberley Gate, Sutton St. Nicholas, Hereford. Objections raised:

- The Council have previously shared concerns of local residents which reflected in the conditions imposed when personal permission was granted in January 2002 to operations strictly limited to a specific business on the premises. It clearly states at that time that such use "is only acceptable in this location having regard to the specific nature of the business run by the applicant and his son". The current application specifically asks for additional commercial use and that the supporting letter details that previous attempts to sell the premises for business use have failed. Even if a sale of the property is not achieved an expansion of activity would clearly result if this application were approved. Indeed if permission is granted then given the history of the site, industrialization by stealth will have been permitted.
- The applicant's own supporting letter of the 24th January 2002 when asking to convert the building to domestic use made it clear that he is aware of noise and nuisance caused to his neighbours by the operations in the past. Such noise and nuisance would inevitably continue and no doubt increase if a new owner were to expand operations. As I have made it clear in the past, I find the Council through its Planning Department suspiciously lacking in any will to enforce adopted policies and specific conditions. This building was erected for agricultural purposes and industrial uses began before any planning permission was granted. That this is not an appropriate place for industrial development is clearly recognised by all authorities, to allow it to expand would be completely unacceptable, and I trust the application will be refused.
- Complaints are made with regard to unauthorised development and the planning history for this site.
- The industrial noise and pollution and industrial HGV use of the access is dangerous. The restriction to welding may fool you but it is a welding and fabrication (another word without parameters) which has been breached by the allowing of a third party to work on trailers on the site.
- Constant disturbance has been caused through noise and bonfires from the site, and it has been witnessed that HGV's have severe difficulty in entering and leaving the site. Photographs have been submitted showing HGV's entering the site as well as individual cars being sold from the front roadside location.

Mr. Sanders has listed a number of complaints against the activities associated with the site. Perhaps it is time the Council's Planning Authorities will demonstrate that planning regulation is there for the benefit of all for the protection of land from abuse. Mr. Ashcroft has never had a need for an agricultural building, he cannot sell an industrial building restricted to purposes for which he applied to his personal use. The Council and Planning Inspector would not let them breach the planning regulations with the conversion to a residential unit.

It is suggested that to revert back to the original agricultural use would be most appropriate.

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 two issues in relation to this case are the acceptability of a permanent permission further to the temporary consent granted in January 2002 and secondly whether the expansion of the restrictive condition to enable the use of the building for welding and fabrication purposes as opposed to welding and fabrication of agricultural vehicle parts, buildings and equipment is acceptable.
- 6.2 As will be noted from the planning history, a number of applications have been submitted for development on this site in recent years. The most important under reference CW2001/2639/F. Temporary planning permission was granted to use this modern steel framed portal building for welding and fabrication purposes for agricultural vehicle parts, building/equipment parts. This consent was given for a two year period to enable the Local Planning Authority to give further consideration to the acceptability of the use after the temporary period has expired. Since that permission an application to convert the former agricultural building to a single residential unit was refused by this Authority and dismissed at appeal under reference CW2002/3326/F.
- 6.3 The applicant has indicated that the restrictive condition which allows only welding and fabrication in relation to agricultural activity has led to work recently being turned away from their business which otherwise could have been completed on site. The example suggested in their covering letter with this application suggests that they would be able to weld and fabricate hand railings, safety railings and similar components for commercial buildings where at present there will be no agricultural tie associated with such activity. The critical question for consideration is whether removing the agricultural element of this condition would in fact alter or significantly change the nature of business on the site. Having carefully considered this matter, Officers are of the opinion that the removal of the agricultural connection from this condition would not actually cause significant harm or materially change the processes which are currently carried out. Furthermore, with the strict conditions as were previously imposed, the use of the building can still be limited to the applicant only and controls be placed on external storage as well as operation and noise associated with the site.
- 6.4 With regard to the request to vary Condition 2 of the previous permission to enable this to be a permanent approval, Officers have again given careful thought to potential implications. Whilst normally a second temporary would not be encouraged, in this instance having regard to the small change in the business activity associated with the building through the variation of Condition 1, it is recommended that a further two year permission is granted to enable the more open ended welding and fabrication use to establish. This material change to the former condition would justify a second temporary permission and would enable the Local Planning Authority to consider this matter again at a later date. This would also meet the recommendations of the Parish Council who suggest a further temporary consent as opposed to a permanent permission would be appropriate.
- 6.5 Whilst the concerns of the two local residents are noted, Officers consider that the uses associated with this site will still be relatively low key having regard to the fact that the permission is for the applicant only and the building cannot be used by any other operator without a specific planning permission. With all other conditions as were previously agreed, it is not considered that a refusal at this time could be justified having regard to the previous permission that has been issued and the planning

history associated with this site. It should also be noted that if Members are minded to support the Officer recommendation, the description of the development will need to be amended to reflect the temporary permission suggested.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. The premises shall be used for welding and fabrication only and for no other purpose (including any other purpose in Class B1 or 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.

- 2. This consent shall expire on 10th March 2006. Unless further consent 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.

- 3. This permission shall enure for the benefit of Mr. John Ashcroft and his son only and not for the benefit of the land or any other persons interested in the land.**

Reason: The nature of the development is such that it is only considered acceptable in this location having regard to the specific nature of the business run by the applicant and his son.

- 4. When the premises cease to be occupied by Mr. John Ashcroft and his son or at the end of two years whichever shall first occur, the use hereby permitted shall cease and all materials and equipment brought on to the premises in connection with the use shall be removed.**

Reason: The nature of the development is such that it is only considered acceptable in this location having regard to the specific nature of the business run by the applicant and his son.

- 5. 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 8 am to 6 pm Monday to Friday and 8 am to 1 pm Saturday nor at any time on Sundays, Bank or Public Holidays.**

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

- 6. There shall be no open air operation of plant, machinery or equipment within the application site.**

Reason: To protect the amenities of nearby properties.

- 7. No goods, plant, material or machinery shall be deposited or stored outside the buildings subject of this application.**

Reason: To protect the appearance of the locality.

- 8. Within one month of the date of this permission details shall be submitted to and approved in writing by the local planning authority of the type of machinery and equipment to be used within the building.**

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

- 9. No power tools or machinery shall be used at the premises other than those approved in relation to Condition 8 of this planning permission.**

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

- 10. There shall be no ancillary retail sales in association with the permitted business or sales of any other goods or materials from the application site.**

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

Informative:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

8 DCCE2004/0190/F - THREE STOREY DEVELOPMENT OF 16 NO. 2 BED FLATS AND 1 NO. 1 BED FLAT AT 36 FOLLY LANE, HEREFORD, HR1 1LX

For: Richard Harper Estates per Planning Solutions, 96 Rock Hill, Bromsgrove, Worcester, B61 7HX

Date Received: 19th January 2004 Ward: Tupsley Grid Ref: 52385, 40404

Expiry Date: 15th March 2004

Local Member: Councillors G.V. Hyde, Mrs M.D. Lloyd-Hayes and W J Walling

1. Site Description and Proposal

- 1.1 The 0.19 ha application site lies on the north east side of Folly Lane within an Established Residential Area. It presently supports a large detached three storey period house divided into six flats, although presently vacant. The house is positioned to one side of the site with derelict outbuildings to the rear and a lawned area and driveway to the side. The lawned area supports a cedar tree which is subject to a Tree Preservation Order. The boundary with Folly Lane is defined by a retaining wall and initial steep bank, the house standing at a higher level than Folly Lane.
- 1.2 To the north west of the site and attached to the existing house is a contemporary parade of shops, some with flats over. To the rear, south east side and opposite the site, are residential properties.
- 1.3 The proposal is to demolish the existing buildings on the site and erect a three storey block of 17 flats (16 x 2 bedroom and 1 x 1 bedroom). The new building would be partly on the footprint of the existing house although with an additional wing projecting to the rear, approximately 1 metre from the rear boundary of the site. The existing access and driveway would be widened, this requiring partial removal of the bank, and 18 parking spaces laid out at the rear. A detached bin store would be provided on the side lawn. The cedar tree would be retained.

2. Policies

2.1 Hereford Local Plan:

ENV14	-	Design
H3	-	Design of new residential development
H12	-	Established Residential Areas – character and amenity
H13	-	Established Residential Areas – loss of features
H14	-	Established Residential Areas – site factors
CON21	-	Protection of Trees

2.2 Herefordshire UDP (Deposit Draft):

S1	-	Sustainable development
S2	-	Development requirements
S3	-	Housing
DR1	-	Design

- H1 - Hereford and the market towns
- H13 - Sustainable residential design
- H14 - Re-using previously developed land and buildings
- H15 - Density
- H16 - Car parking

3. Planning History

- 3.1 CE2001/2621/F - New driveway off Folly Lane - refused 28 November 2001.
- 3.2 CE2003/0110/F - Conversion and extension of house into 10 self-contained flats and a new development to provide 6 self-contained flats including associated landscaping and parking - withdrawn 4 March 2003.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency: No objection
- 4.2 Dwr Cymru Welsh Water: No objection subject to conditions.

Internal Council Advice

- 4.3 Head of Engineering and Transportation: Recommends conditions.
- 4.4 Head of Conservation: No objection subject to tree protection during construction stage.

5. Representations

- 5.1 Hereford City Council : No objection.
- 5.2 Three objection letters have been received from 10 Whittern Way and 24 and 32 Folly Lane, summarised as follows:
 - existing boundary wall with Whittern Way properties should be retained;
 - further bat survey should be carried out in late spring/early summer;
 - loss of trees / bird habitats;
 - overcrowded development;
 - loss of light / overshadowing;
 - detrimental to preserved cedar;
 - noise and disturbance from vehicles;
 - additional traffic would cause danger and inconvenience to other users of the highway;
 - adequacy of sewer needs to be confirmed;
 - adequacy of surface water drainage arrangements needs to be confirmed;
 - overlooking;
 - nuisance from misuse of bin store;
 - inadequate parking for visitors;
 - form of development and number of storeys out of keeping with surroundings;

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 this form of residential development and, if this is accepted, the impact of the specific scheme on the character of the area, residential amenity, the protected tree, wildlife and highway safety.
- 6.2 Regarding the principle, the site lies within an Established Residential Area where residential development is appropriate in accordance with Local Plan policy. The site is presently occupied by flats, albeit in a converted house, and further flats are located over the shops to the side. Redevelopment of the site to provide flats is, therefore, considered appropriate in this particular location and would not be out of keeping with existing development.
- 6.3 Regarding amenity, Policy H12 of the Local Plan requires the environmental character and amenity of the established residential areas to be protected and, where appropriate, enhanced. Policies H13 and H14 set out specific criteria requiring, in particular, appropriate relationships between proposed and existing developments, adequate means of access and servicing and an appropriate impact on the overall character of the area.
- 6.4 Having regard to the policy requirements, the proposal is considered to be acceptable within its particular context. The number of proposed flats represents a significant increase over that existing. However, the specific proposal demonstrates that this number can be accommodated, making the best use of the land without detriment to the character of the area or amenity. Specifically, the proposed building is positioned on the site with adequate margins to the boundaries to ensure no adverse overlooking of adjoining properties (approx. 22 metre gap with No. 32 Folly Lane and 16 metre gap with the parade of shops). A 13 metre back to flank distance would be achieved with the properties in Whittern Way with the new building reducing to two storeys at its closest point to the boundary to avoid an overbearing relationship. The overall height would be slightly greater than the existing building although this would be neither overbearing nor discordant within the street scene.
- 6.5 The principal front portion of the building would be positioned largely on the footprint of the existing house, thus avoiding any adverse encroachment under the canopy of the protected tree.
- 6.6 Adequate parking is provided in accordance with sustainable 'city-living' principles amounting to one space per unit and one visitor space. Margins to the side of the parking area and driveway would ensure no adverse impact on the amenities of No. 32 Folly Lane. Likewise, the existing boundary wall with adjoining properties in Whittern Way would be retained to safeguard the privacy of these properties. The access drive itself would be widened and generally improved to ensure safety is maximised.
- 6.7 Regarding wildlife, the application is supported by a protected species survey which concludes that no protected species would be adversely affected.
- 6.8 Planning conditions are recommended to ensure that the boundary wall with Whittern Way is retained and that the preserved tree is protected during site works. Conditions are also recommended to reserve the location and details of the bin store and to require a further bat survey to address third party concerns. With these additional safeguards, approval is recommended.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this 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. 0410-05A, 0410-01, 0410-02, 0410-03), 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 development shall take place until details or samples of materials to be used externally on walls and roofs 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.

- 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 Foul water and surface water discharges must be drained separately from the site. No surface water and / or land drainage run off shall be allowed to connect, either directly or indirectly, to the public sewerage system.

Reason: To protect the integrity of the public sewerage system.

- 6 Notwithstanding the approved drawings, prior to the commencement of development a scheme for the provision of storage, prior to disposal, of refuse and all other waste materials shall be submitted for the approval of the local planning authority. The approved scheme shall be implemented prior to the first occupation of the development hereby permitted.

Reason: In the interests of amenity.

- 7 No materials or substances shall be incinerated within the application site during the construction phase.

Reason: To safeguard residential amenity and prevent pollution.

- 8 Prior to the commencement of development, a detailed plan, showing the levels of the existing site, the proposed slab levels of the building approved and a datum point outside of the site, shall be submitted to and approved by the local

planning authority. Development shall be carried out in accordance with the approved details.

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

- 9 No development shall commence on site or machinery or materials brought onto the site for the purpose of development until a landscape design has been submitted to and approved by the local planning authority. The submitted design shall include drawings at a scale of 1:200 or 1:500 and a written specification clearly describing the species, sizes, densities and planting numbers. Drawings must include accurate details of all existing trees and hedgerows with their location, species, size, condition, any proposed tree surgery and an indication of which are to be retained and which are to be removed.

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

- 10 The landscaping scheme [approved under condition 9 above shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion of the development. The landscaping shall be maintained for a period of 5 years. During this time any trees, shrubs or other plants which are removed, die, or are seriously retarded shall be replaced during the next planting season with others of similar size and species unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year maintenance period.

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

- 11 The boundary wall between the site and properties in Whittern Way shall be permanently retained and repaired / made good where required.

Reason: To accord with the terms of the application and safeguard residential amenity.

- 12 This permission does not authorise any works to trees included in the Tree Preservation Order. Any work shall be the subject of an application for consent to the local planning authority, in accordance with the provisions of the Tree Preservation Order and the law on Tree Preservation Orders in force at the time of the application.

Reason: To ensure the proper care and maintenance of the trees.

- 13 In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 1 year from the date of the occupation of the building.

- (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local

- planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).
- (b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.
 - (c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

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

- 14 Details of any excavations or trenches beneath the canopy of any trees to be retained shall be submitted to and agreed in writing with the local planning authority. Where excavations are carried out beneath the canopy of any tree to be retained on land or on adjoining land, no roots of those trees of a diameter of 2.5 cm or more shall be severed, without the agreement of the local planning authority. In order to achieve this requirement all excavations shall be carried out by hand tools. The excavations shall be backfilled with sub-soil and a minimum depth of 600 mm good quality stone free loamy top soil of similar p.h. to the original. Any subsequent settlement shall be made good with similar top soil.

Reason: To prevent the unnecessary damage to or loss of trees.

- 15 Prior to demolition of the buildings on the site, hereby approved, a further survey for bats shall be carried out during late spring / early summer and the results submitted for approval, in writing, by the Council. No demolition works shall commence until such written approval is given.

Reason: To safeguard the wild life interests of the site.

- 16 The development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with 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: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

Informatives:

- 1 This permission does not imply any rights of entry to any adjoining property nor does it imply that the development may extend into or project over or under any adjoining boundary.

- 2 Notwithstanding that planning permission has been granted for residential development the applicant is strongly advised to contact the Council's Private Sector Housing Team on 01432-261913 or 01432-261914 to ensure that the development complies with the requirements of Fitness for Human Habitation under the Housing Act 1985.
- 3 Your attention is drawn to Section 80 of the Building Act 1984 whereby no demolition may be carried out without proper notice to the local authority and a counter notice issued under Section 81.
- 4 Your attention is drawn to the Party Wall Act 1996. The Act will apply where work is to be carried out on the following:

Work on an existing wall or structure shared with another property
Building a free standing wall or a wall of a building up to or astride the boundary with a neighbouring property
Excavating near a neighbouring building.

The legal requirements of this Act lies with the building/site owner, they must find out whether the works subject of this planning permission falls within the terms of the Party Wall Act. There are no requirements or duty on the part of the local authority in such matters. Further information can be obtained from the DETR publication The Party Wall Act 1996 - explanatory booklet. Copies are available from the Planning Reception, Blueschool House, Blueschool Street, Hereford.

- 5 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:

ENV14 - Design

H3 - Design of new residential development

H12 - Established residential areas - character and amenity

H13 - Established residential areas - loss of features

H14 - Established residential areas - site factors

CON21 - Protection of trees

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).

- 6 The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.
- 7 This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Mr. A.G. Culley, Divisional Surveyor (South), Unit 3, Thorn Business Park, Rotherwas, Hereford Tel: 01432-261955, shall be given at least 28 days' notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an approved specification for the works together with a list of approved contractors.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

9 DCCW2004/0063/F - PROVISION OF NEW CYCLEWAY FROM THE GREAT WESTERN WAY AND BEAUFORT AVENUE TO MARLBROOK ROAD, HEREFORD

**For: Herefordshire Council per Halcrow Group Limited,
11/12 Castle Street, Hereford, HR1 2NL**

**Date Received: 14th January 2004 Ward: St. Martins Grid Ref: 50155, 37842
& Hinton**

Expiry Date: 10th March 2004

Local Members: Councillors Mrs. W.U. Attfield; A.C.R.Chappell and R. Preece

1. Site Description and Proposal

- 1.1 The application involves the formation and laying out of a new cycleway to serve Haywood High School as part of the "Safer Routes to School" agenda. It is intended to provide a safe, attractive and direct route for pedestrians and cyclists from the school entrance to the residential areas to the west.
- 1.2 The proposed route runs north east from the Great Western Way around the perimeter of the school, running parallel to Beaufort Avenue and Falstaff Road and terminating at the main access to the school to the western end of Marlbrook Road.
- 1.3 The surface would be 3 metres wide and extend for approximately 350 metres in length.

2. Policies

2.1 Planning Policy Guidance:

PPG1 - General Policy and Principles
PPG13 - Transport

2.2 Hereford Local Plan:

Policy ENV14 - Design
Policy ENV15 - Access for All
Policy ENV16 - Landscaping
Policy ENV18 - External Lighting
Policy T11 - Pedestrian Provision
Policy T12 - Cyclists Provision
Policy T13 - Pedestrian and Cycle Routes

2.3 Herefordshire Unitary Development Plan (Deposit Draft):

Policy S6 - Transport
Policy DR1 - Design
Policy DR3 - Movement
Policy T6 - Walking
Policy T7 - Cycling

Policy T14	-	School Travel
Policy T16	-	Access for All
Policy DR14	-	Lighting

3. Planning History

3.1 None relevant to this application.

4. Consultation Summary

Statutory Consultations

4.1 No statutory consultations were undertaken.

Internal Council Advice

4.2 Head of Engineering & Transportation recommends that the contents of the cycle audit undertaken in January 2004 be noted and incorporated into the design.

4.3 The Public Rights of Way Manager states that the proposal would not appear to affect any public rights of way and there is consequently no objection to this application.

5. Representations

5.1 Six letters of objection have been received from local residents. R.F. Barnes, 12 Falstaff Road; J. Davis, 13 Falstaff Road; Mr. & Mrs. R. Buchanan, 14 Falstaff Road; J. Carter, 16 Falstaff Road; R.K. & V. Williams, 18 Falstaff Road and Mr. B. Colley, 30 Beaufort Avenue, Hereford. The contents of the correspondence are summarised below as follows:

- There is insufficient demand to justify a scheme of this scale.
- The number of cyclists at any time is small and at night practically nil. Few pupils appear to cycle, the vast majority walk.
- The creation of the cycleway would create more hazards than exist at the moment due to a mix of users.
- The cycleway will deprive the area of existing green verges which are a particularly attractive feature of the area.
- The additional lighting is totally unjustified in terms of the likely cycle traffic using the facility at night.
- Litter and vandalism will increase, particularly if a new skateboarding facility is built in the area.
- The Local Authority should examine the potential for reinstating a route into the school via the Great Western Way and Brampton Road.
- The facility will inevitably be used by youngsters on motorcycles which is unacceptable in such close proximity to residential properties.
- Existing flooding problems may be exacerbated as a result of the new cycleway.

5.2 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 for consideration in determining this application relate to the principle of the proposed cycleway, the visual impact on the character and appearance of the area and the potential impact on the residential amenity of nearby properties.
- 6.2 Both Government Guidance and adopted Development Plan policies generally support the development of a new cycleway link as part of sustainable transport strategies and for recreational use. This scheme proposes a 350 metre long section of new cycleway which would also be used by pedestrians and is intended to provide an attractive and direct route for pedestrians and cyclists travelling between the entrance of Haywood School and the residential areas to the west. Having regard to adopted and emerging policies and the Council's Safer Routes to School Strategy, it is considered the principle of a new cycleway is acceptable subject to the issues below.
- 6.3 At present the application site forms a strong green corridor between the edge of the existing playing fields of Haywood High School and the residential boundary of a large number of properties on Beaufort Avenue, Falstaff Road and Glendower Close. The existing footpath runs tight to the residential boundaries and the proposed cycleway would in the main increase the distance between the residential and pedestrian/cyclists' movements. The cycleway would link to an existing path which crosses the Great Western Way and leads to Brampton Road to the west.
- 6.4 From the information submitted with the application, it would appear that the new cycleway would involve the loss of one tree. The detail of the scheme's alignment has been discussed with the Parks and Countryside in this respect. It is considered that the formation of a three metre wide cycleway will not visually harm the character or appearance of the area such that would justify a refusal of this proposal.
- 6.5 Arguably the most important consideration in association with this scheme is the impact of the proposal on the adjoining residents. As will be noted from the Representations Section, strong concerns have been expressed about the principle of the cycleway, the limited use which is anticipated by existing residents and the direct impact that it will have on the residential amenity of their properties. Concerns have also been expressed about potential misuse given that no preventative measures are shown which would restrict motorcycles accessing the new surface. Direct impact from new street lighting is also of concern.
- 6.6 Having discussed this matter at some length, it is acknowledged that it is extremely difficult to install preventative measures that would not allow a motorcyclist, for instance to access the new surface. Given that the surface should be open to all of the community, e.g. disabled persons and mothers with prams.
- 6.7 With regard to the flooding issue referred to, with a condition to control the disposal of surface water this matter can be adequately controlled.
- 6.8 From its use by cyclists and pedestrians, the new cycleway will not have a detrimental impact on the amenity of existing residents. As noted above, the majority of the route is set further from the residential boundary than the existing footpath and as such should not represent any harmful impact. Street lighting introduced along the length of the footpath needs careful consideration and in this respect a condition is suggested to ensure the Council's Street Lighting Manager gives a proper consideration to the exact position and detail of lighting installed. It is not however considered to be an issue which would warrant refusal of this scheme. In conclusion both the principle and detail

of this scheme are considered acceptable complying with the existing and emerging policies to encourage sustainable and safe movement of the community.

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

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

- 3. G05 (Implementation of landscaping scheme (general)).**

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

- 4. 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.

- 5. F32 (Details of flooding/external lighting).**

Reason: To safeguard local amenities.

Informative:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

Document is Restricted

