

A G E N D A

Southern Area Planning Sub- Committee

Date: **Wednesday, 6th July, 2005**

Time: **2.00 p.m.**

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

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

For any further information please contact:

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AGENDA

for the Meeting of the Southern Area Planning Sub-Committee

To: Councillor Mrs. R.F. Lincoln (Chairman)
Councillor P.G. Turpin (Vice-Chairman)

Councillors H. Bramer, M.R. Cunningham, N.J.J. Davies, Mrs. C.J. Davis, G.W. Davis, J.W. Edwards, Mrs. A.E. Gray, T.W. Hunt, Mrs. J.A. Hyde, G. Lucas, D.C. Taylor and J.B. Williams

	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 - 20
To approve and sign the Minutes of the meeting held on 8th June, 2005.	
4. ITEM FOR INFORMATION - APPEALS	21 - 24
To note the contents of the attached report of the Head of Planning Services in respect of the appeals received or determined for the southern area of Herefordshire.	
REPORTS BY THE HEAD OF PLANNING SERVICES	
To consider and take any appropriate action in respect of the planning applications received for the southern area and to authorise the Head of Planning Services to impose any additional or varied conditions and reasons considered to be necessary.	
Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting.	
5. DCSW2005/1589/F - KNIGHTS COMMON COTTAGE, CLEHONGER, HEREFORDSHIRE, HR2 9TP	25 - 28
Demolition of single storey lean-to's and erection of two storey extension.	
6. DCSW2005/0593/F - ASHFORD STABLES, STONEY STREET, MADLEY, HEREFORD. HR2 9NZ	29 - 34
10 extra car boot sales, per calendar year.	
7. DCSE2005/1294/N - HILL FARM, LLANCLOUDY, HEREFORDSHIRE, HR2 8QP	35 - 42

	Importation of top soil to be stockpiled in field OS 0663 until required for use in remediation works following excavation and removal of farm waste materials.	
8.	DCSW2005/1102/RM - HILL HOLE BUILDINGS, DORSTONE, HEREFORDSHIRE, HR3 6AF	43 - 48
	Application for approval of reserved matters for new agricultural dwelling, including garage and storage accommodation.	
9.	DCSE2005/1488/F - BAYSHAM ORCHARD, BAYSHAM, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6QR	49 - 52
	Proposed replacement dwelling from bungalow to two-storey dwelling.	
10.	DCSE2005/1011/O - HILLINGDON, WALFORD ROAD, ROSS-ON-WYE, HEREFORDSHIRE	53 - 60
	Site for the erection of one dwelling.	
11.	DCSE2005/0920/F - QUEENS TUNNEL, SWAGWATER LANE, GORSLEY, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7SL	61 - 78
	Proposed telecommunications installations consisting of a 22.5m lattice tower and ancillary development.	
12.	DCSE2005/1768/F - GLOUCESTER ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5NA	79 - 88
	Demolition of existing petrol filling station and erection of 18 no. residential apartment dwellings.	
13.	DCSE2004/2997/F - 22 HIGH STREET, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5BZ	89 - 92
	Change of use from retail shop (Class A1) to hot food takeaway (Class A3).	

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

MINUTES of the meeting of Southern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 8th June, 2005 at 2.00 p.m.

Present: Councillor Mrs. R.F. Lincoln (Chairman)
Councillor P.G. Turpin (Vice Chairman)

Councillors: H. Bramer, M.R. Cunningham, Mrs. C.J. Davis, G.W. Davis, J.W. Edwards, Mrs. J.A. Hyde, G. Lucas and D.C. Taylor

In attendance: Councillors P.J. Edwards

ELECTION OF CHAIRMAN AND APPOINTMENT OF VICE-CHAIRMAN

It was noted that, at the Annual Council meeting on 13th May, 2005, Councillor Mrs. R.F. Lincoln was re-elected Chairman and Councillor P.G. Turpin was re-appointed Vice-Chairman of the Southern Area Planning Sub-Committee.

1. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Mrs. A.E. Gray, T.W. Hunt and J.B. Williams.

2. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillor	Item	Interest
Councillors H. Bramer, Mrs. J.A. Hyde and G. Lucas	Item 6 – DCSE2005/0949/F & DCSE2005/0951/C – Demolition of existing 1970’s hall and living accommodation. Construction of new block of 8 no. flats at: St. Josephs Convent, Walford Road, Ross-on-Wye, Herefordshire, HR9 5PQ	All Members declared a Prejudicial Interest and would have left the room had the item not been deferred at the applicants request.
Councillor G. Lucas	Item 13 – DCSW2005/1171/F – Change of use from agricultural to garden land at: Land adjacent to Orchard Cottage, Penrose Green, Broad Oak, Herefordshire, HR2 8QT	Declared a Prejudicial Interest and left the room for the duration of the item.

Councillor Lucas	G.	Item 14 – DCSW2005/1170/F – Storage Barn at: Land adjacent to Orchard Cottage, Penrose Green, Broad Oak, Herefordshire, HR2 8QT	Declared a Prejudicial Interest and left the room for the duration of the item.
Councillors J.A. Hyde and G. Lucas	Mrs.	Item 21 – DCSE2005/0420/F – Erection of LPG compound + dispenser and installation of 2 no. 1 tonne 'Dumpy' storage tanks at: Larruperz Community Centre, School Close, Ross-on-Wye	Both Members declared a Prejudicial Interest and left the room for the duration of the item.

3. MINUTES

RESOLVED: That the Minutes of the meeting held on 11th May, 2005 be approved as a correct record and signed by the Chairman.

4. ITEM FOR INFORMATION - APPEALS

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

5. [A] DCSE2005/1050/F AND [B] DCSE2005/1051/L - BILL MILLS, PONTSHILL, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5TH (AGENDA ITEM 5)

Conversion of existing buildings to 10 dwellings.

The Principal Planning Officer reported the receipt of a letter from the British Archaeological Society who did not object to the application but suggested a survey on the site.

Councillor H. Bramer, the Local Ward Member, felt that the existing factory building should be utilised as starter units. The Principal Planning Officer advised Members that a condition could be added to the recommendation to achieve this.

RESOLVED

With regards DCSE2005/1050/F

That planning permission be granted subject to the following conditions:

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

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

2 No development shall take place until details of the surfacing of car parking and vehicular access areas has 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 vehicular areas are suitably surfaced.

3 F18 (Scheme of foul drainage disposal)

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

4 F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities.

5 All alterations to the external elevations of the buildings to be retained shall be carried out using matching, and where available, original materials.

Reason: To protect the appearance of the retained buildings.

6 H27 (Parking for site operatives)

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

7 The site shall be the subject of a survey to ascertain the extent of any soil contamination. Before the survey is carried out the methodology and scope of the survey shall be submitted to and agreed in writing by the local planning authority. If the survey identifies that the site is contaminated remedial measures to deal with the contamination shall be submitted to and agreed in writing by the local planning authority. The remedial measures shall be carried out in full before any residential unit is occupied.

Reason: To protect the intended occupants of the residential units.

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.

9 B01 (Samples of external materials)

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

10 G10 (Retention of trees)

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

11 G01 (Details of boundary treatments)

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

12 G04 (Landscaping scheme (general))

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

13 G05 (Implementation of landscaping scheme (general))

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

14 G18 (Protection of trees)

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

15 H21 (Wheel washing)

Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety.

16 Prior to the occupation of any dwelling a management plan, to include proposals for the long term design objectives, management responsibilities and maintenance schedules in perpetuity, for the areas of open space, mill pond and streams within the areas shown in red on the plan attached to this permission shall be submitted to and approved by the local planning authority. The management plan shall be carried out as approved.

Reason: In order to ensure that the use and maintenance in perpetuity of the open space is assured.

Informative:

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

WITH REGARDS DCSE2005/1051/L

That listed building consent be granted subject to the following conditions:

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

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

2 C02 (Approval of details)

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

3 No development shall take place until details of the surfacing of car parking and vehicular access areas has 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 vehicular areas are suitably surfaced.

4 F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities.

5 All alterations to the external elevations of the buildings to be retained shall be carried out using matching, and where available, original materials.

Reason: To protect the appearance of the retained buildings.

6 G10 (Retention of trees)

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

7 G04 (Landscaping scheme (general))

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

8 G05 (Implementation of landscaping scheme (general))

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

9 G18 (Protection of trees)

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

10 G01 (Details of boundary treatments)

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

Informative:

1 N15 - Reason(s) for the Grant of Listed Building Consent

6. [A] DCSE2005/0949/F AND [B] DCSE2005/0951/C - ST. JOSEPH'S CONVENT, WALFORD ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5PQ (AGENDA ITEM 6)

Demolition of existing 1970's hall and living accommodation. Construction of new block of 8 no. flats.

RESOLVED

That consideration of the application be deferred at the request of the applicant.

7. DCSE2005/0795/F - SITE NEAR BODENHAM FARM, MUCH MARCLE, LEDBURY, HEREFORDSHIRE (AGENDA ITEM 7)

Continuation of use as equine stud farm.

The Principal Planning Officer reported the receipt of 2 further letters of objection from local residents and further comments from the Traffic Manager, who raised no objections at the current level of operation. He also reported the receipt of an update from the applicant regarding the number of horses kept on the farm.

In accordance with the Criteria for Public Speaking, Mr Weston, representing Much Marcle Parish Council, and Mr. Pope, a local resident, spoke in objection to the application.

Councillor J.W. Edwards, the Local Ward Member, noted the concerns raised by the Parish Council and the local residents and felt that he could not support the application.

Members discussed the application and felt that 116 horses on a 20 acre site resulted in intensification. Members also felt that the limited size of the enterprise would result in greater vehicular movements to and from the site resulting in reduced highway safety and an increase in noise and disturbance to local residents.

RESOLVED:

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

- 1. Over intensification of buildings in the open countryside**
- 2. Obstructing a public right of way**
- 3. Traffic issues**
- 4. Too many horses on the site**

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

[Note: The Southern Team Leader said that he would refer the application to the Head of Planning Services as the decision made by Members may not be defensible if challenged]

8. DCSW2005/0993/O - VIPASSANA TRUST, DHAMMA DIPA, HAREWOOD END, HEREFORDSHIRE, HR2 8JS (AGENDA ITEM 8)

Renewal of permission SE2000/1038/O. Demolition of existing buildings. Redevelopment for enlarged meditation centre, comprising student sleeping accommodation, dining and kitchen facilities. Managers and teachers accommodation, workshop and offices.

Councillor G.W. Davis, the Local Ward Member, noted the concerns raised by local residents regarding the amount of light emitted from the site. He also said that the tree planting scheme undertaken by the applicants could improve the situation.

RESOLVED

That planning permission be granted subject to the following conditions:

- 1. 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.

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

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

- 3. A04 (Approval of reserved matters)**

Reason: To enable the local planning authority to exercise proper

control over these aspects of the development.

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. **The premises shall be used as a residential meditation centre and for no other purpose, including any purpose within Class C2 of the Town and Country Planning (Use Classes) Order 1987 or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.**

Reason: An alternative use may generate traffic that could not be accommodated acceptably on the local road network and to protect the local amenity.

6. **No development approved by this permission shall be commenced until a scheme for the provision of foul drainage works has been approved by the local planning authority. The scheme shall be implemented in accordance with the approved details.**

Reason: To prevent pollution of the water environment.

7. **Details for external lighting shall be the subject of the prior written approval of the local planning authority.**

Reason: In order to reduce the impact of the development when viewed in the wider landscape.

Informative(s):

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

9. **DCSW2005/0224/F - HILL FARM, ABBEYDORE, HEREFORDSHIRE, HR2 0AG (AGENDA ITEM 9)**

Change of use of agricultural buildings to equestrian use and construction of outdoor all weather riding surface. Provision of toilet/kitchen block.

RESOLVED

That subject to the receipt of revised plans re-siting the outdoor arena, the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any conditions considered necessary by officers:

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

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

2. **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. Details of the toilet/kitchen block, i.e. internal layout, and any alterations to the external appearance of the building, i.e. doors and windows, shall be the subject of the prior written approval of the local planning authority before any development commences on site.

Reason: In order to define the terms to which the application relates and in the interests of protecting the setting of a Grade II Listed building.

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

Reason: To prevent pollution of the water environment.

5. No floodlighting shall be installed/erected to the western side of any buildings to the west of Hill Farm.

Reason: To define the terms to which the application relates and in order to reduce the impact of the use in the wider landscape on this elevated site.

6. The maximum number of horses housed at Hill Farm shall be sixteen at any one time.

Reason: In order to define the terms to which the application relates.

7. Before the development is first brought into use two passing places shall be provided on the western side of the Class III road (C1223). The details of the siting and specification for these passing places shall be submitted to and be approved in writing by the local planning authority prior to the commencement of development. The passing places shall be completed in accordance with the approved details prior to the development hereby permitted being first brought into use.

Reason: In the interests of general highway safety.

Informative(s):

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

10. DCSE2004/2973/F - BARN ADJACENT TO TRERIBBLE BUNGALOW, THREE ASHES, HEREFORD, HEREFORDSHIRE, HR2 8LS (AGENDA ITEM 10)

Conversion of redundant barn to form holiday letting unit.

In accordance with the Criteria for Public Speaking, Mrs. Wilson, a resident of a neighbouring property, spoke in objection to the application.

Councillor J.A. Hyde, the Local Ward Member, noted the concerns raised by the objectors but felt that it was important to encourage tourism and appreciated the need for farm diversification.

RESOLVED

That subject to the receipt of revised plans indicating the retention of the attached garage/store to the north of the building subject to this application

the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary by officers:

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

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

2 A09 (Amended plans)

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

3 B01 (Samples of external materials)

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

4 B05 (Alterations made good)

Reason: To maintain the appearance of the building.

5 C04 (Details of window sections, eaves, verges and barge boards)

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

6 C05 (Details of external joinery finishes)

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

7 Prior to the commencement of development details of any proposed flues and vents shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the details so approved.

Reason:

8 E31 (Use as Holiday Accommodation)

Reason: The local planning authority are not prepared to allow the introduction of a separate unit of residential accommodation in this rural location.

9 No works or development shall take place until details of a scheme, including architectural drawings, for creation and implementation of bat and bird roosting opportunities has been submitted to and approved by Herefordshire Council. This should be based on and include all the measures set out within the ecological surgery report by Rebecca Collins dated June 2004. This should include appropriate remedial treatment wood, appropriate lighting as well as the roosting provisions for birds and bats.

Reason: To create suitable roosting opportunities for a species listed in the UK and Herefordshire Biodiversity Action Plan.

Informatives:

- 1 **NC02 - Warning against demolition**
- 2 **Work should be undertaken within the winter or spring months. When roofing works are to be undertaken roof tiles and other roof fittings are removed with care and by hand, in case undetected bats or nesting birds are present beneath them. Slates and tiles should be lifted rather than slid off. Similarly care should be taken when removing other loose fitting external fittings such as lintels and door and window frames. Where deep crevices are present within the stonework or other surfaces and there is a chance that such crevices could contain bats or birds then these crevices should be searched with a touch for the presence of bats or birds immediately prior to filling or covering them up. Should bats or nesting birds be discovered at any time during the works then all work likely to affect bats and nesting birds should cease and English Nature informed immediately. Bats should be left in situ to disperse of their own accord unless in immediate danger of injury or death.**
- 3 **N15 - Reason(s) for the Grant of Planning Permission.**

11. DCSW2005/1135/RM - LAND SOUTH OF PONTILLA, LONGTOWN, HEREFORDSHIRE (AGENDA ITEM 11)

Construction of nine dwellings including new access to main road. Reserved matters application following outline approval ref. SW2004/1499/0 dated 7th July, 2004.

In accordance with the Criteria for Public Speaking, Mr. Collins, the applicant, spoke in support of the application.

RESOLVED

That subject to the receipt of revised plans relating to the roadway and footpath, and further specifications of materials and finishes, including landscaping, the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary by officers:

1. **A06 (Development in accordance with approved plans)**

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

Informative(s):

1. **N09 - Approval of Reserved Matters**
2. **N15 - Reason(s) for the Grant of Planning Permission**

12. DCSE2005/1190/F - ST. JOSEPH'S RC PRIMARY SCHOOL, THE AVENUE, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5AU (AGENDA ITEM 12)

Brick and slate construction to provide replacement hall, toilets and playground.

The Principal Planning Officer advised Members that the application had been withdrawn at the request of the applicant.

13. DCSW2005/1171/F - LAND ADJACENT TO ORCHARD COTTAGE, PENROSE GREEN, BROAD OAK, HEREFORDSHIRE, HR2 8QT (AGENDA ITEM 13)

Change of use from agricultural to garden land.

The Southern Team Leader advised Members of an additional condition to ensure that the land was only used for garden use ancillary to the dwelling.

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. G04 (Landscaping scheme (general))

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

4. G05 (Implementation of landscaping scheme (general))

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

5. G12 (Planting of hedgerows which comply with Hedgerow Regulations)

Reason: To ensure that hedges planted are ecologically and environmentally rich and to assist their permanent retention in the landscape.

6. E16 (Removal of permitted development rights)

Reason: To safeguard the character and amenities of the locality.

7. The storage barn and associated land and dwelling house known as Orchard Cottage shall not be sold separately from each other.

Reason: It would be contrary to the policy of the local planning authority to grant consent for a separate dwelling in this location.

Informative(s):

1. The applicant's attention is drawn to access rights over the common land and to ensure the necessary consent is sought.

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

14. DCSW2005/1170/F - LAND ADJACENT TO ORCHARD COTTAGE, PENROSE GREEN, BROAD OAK, HEREFORDSHIRE, HR2 8QT (AGENDA ITEM 14)

Storage barn.

Councillor G.W. Davis, the Local Ward Member, felt that 16m x 9m was very large for a storage barn. He noted that Condition 8 limited the building to domestic use only and asked Officers to ensure that the conditions were adhered to.

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. A09 (Amended plans)

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

4. B01 (Samples of external materials)

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

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. G12 (Planting of hedgerows which comply with Hedgerow Regulations)

Reason: To ensure that hedges planted are ecologically and environmentally rich and to assist their permanent retention in the landscape.

8. E08 (Domestic use only of garage)

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

9. E16 (Removal of permitted development rights)

Reason: To safeguard the character and amenities of the locality.

10. The storage barn and associated land and dwellinghouse known as Orchard Cottage shall not be sold separately from each other.

Reason: It would be contrary to the policy of the local planning authority to grant consent for a separate dwelling in this location.

Informative(s):**1. N15 - Reason(s) for the Grant of Planning Permission****15. [A] DCSE2005/1272/F AND 15 [B] DCSE2005/1277/L - WALFORD COURT, WALFORD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5QP (AGENDA ITEM 15)**

Demolition of, and alterations to, timber framed, steel clad barn, to create 5 car ports with stores.

In accordance with the Criteria for Public Speaking, Mr. Thomas, a local resident, spoke in objection to the application and Mr. Jones, the applicant's architect, spoke in support.

The Chairman, speaking in her capacity of Local Ward Member, felt that a number of the concerns raised by the objectors had been covered by conditions.

RESOLVED**In respect of DCSE2005/1272/F**

That planning permission be granted subject to the following conditions:

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

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

2 B01 (Samples of external materials)

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

3 G01 (Details of boundary treatments)

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

4 G04 (Landscaping scheme (general))

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

5 G05 (Implementation of landscaping scheme (general))

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

In respect of DCSE2005/1277/L

That planning permission be granted subject to the following conditions:

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

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

2 B01 (Samples of external materials)

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

3 G01 (Details of boundary treatments)

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

4 G04 (Landscaping scheme (general))

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

5 G05 (Implementation of landscaping scheme (general))

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

Informative(s):**1 N15 - Reason(s) for the Grant of Planning Permission and Listed Building Consent****16. DCSW2005/0720/F - LAND AT WHITEHOUSE FARM, KINGSTONE, HEREFORDSHIRE (AGENDA ITEM 16)**

Demolition of existing buildings and erection of 24 houses with parking and/or garages, together with associated roads and sewers.

The Principal Planning Officer advised Members that the conditions recommended by the Highways Department had been omitted from the report. He also reported the receipt of amended plans from the applicant.

In accordance with the Criteria for Public Speaking, Mr. Bell, a local resident, spoke in objection to the application.

Councillor P.G. Turpin, the Local Ward Member, felt that granting the application would have a detrimental effect on the neighbouring grade 2 listed farmhouse. He also felt that the large number of houses on the plot resulted in over intensification. He noted the concerns raised by local residents and felt that he could not support the application.

In response to a question, the Principal Planning Officer advised Members that the applicant had investigated the possibility of retaining the existing pond on the site but had concluded that it was not a viable solution.

Members discussed the application and felt that the provision of 2 two-bedroom houses was insufficient for a development of this size.

RESOLVED:

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

1. Over intensification of use of the site
2. To protect the setting of the Grade 2 listed farmhouse
3. Insufficient number of small houses on the site

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

[Note: The Southern Team Leader said that he would refer the application to the Head of Planning Services as the decision made by Members may not be defensible if challenged]

17. DCSE2005/1346/F - NEWTON FARM, WELSH NEWTON, MONMOUTH, HEREFORDSHIRE, NP5 3RN (AGENDA ITEM 17)

Alterations, repairs and extensions to existing barn for residential purposes.

In accordance with the Criteria for Public Speaking, Mr. Crowther, the applicant's agent, spoke in support of the application.

RESOLVED

That planning permission be refused for the following reason:

1. **Planning permission was granted in 2002 (Application SE2003/2136/F) for the conversion of a building. The development as carried out has resulted in the erection of a new dwelling in the open countryside. Although the development now proposed would significantly alter the appearance of the building the development constitutes the erection of a new dwelling in the open countryside This is contrary to Hereford and Worcester Structure Plan Policies H.16A and H.20, and South Herefordshire Local Plan Policies C.1 and SH.11, as supplemented by the advice in PPS.7. There is insufficient justification for these policies to be set aside.**

18. DCSE2005/0879/F - WOODSIDE RESIDENTIAL HOME, REYNOLDS COURT, HILDERSLEY, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7NE (AGENDA ITEM 18)

Refurbishment and extension of existing home to provide 15 place day care centre and 2 crisis care flats.

In accordance with the Criteria for Public Speaking, Mr. Crisp, the applicant, spoke in support of the application.

RESOLVED

That planning permission be granted subject to the following conditions:

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

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

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

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

3 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.

Informative(s):

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

19. DCSE2005/0830/F - SITE ADJACENT TO WHITECROFT, UPTON CREWS, NR. ROSS-ON-WYE, HEREFORDSHIRE, HR9 7UE (AGENDA ITEM 19)

Proposed new 4 bedroomed house, garage and access.

Councillor J.W. Edwards, the Local Ward Member, noted the concerns raised by the Parish Council and felt that he could not support the application.

RESOLVED

That planning permission be granted subject to the following conditions:

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

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

2. 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. B01 (Samples of external materials)

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

4. The foul drainage from the proposed development shall be discharged to a treatment plant and soakaway system which meets the requirements of British Standard BS 6297: 1983, and which is provided in accordance with the details submitted (including plan J1650-984-1 Rev. C, dated January 2005), unless otherwise agreed in writing by the local planning authority. There shall be no connection with any watercourse or land drainage system and no part of the soakaway system located within 10 metres of any ditch or watercourse, nor within 50 metres of any water abstraction or well.

Reason: To prevent pollution of the water environment.

5. H04 (Visibility over frontage)

Reason: In the interests of highway safety.

6. H05 (Access gates)

Reason: In the interests of highway safety.

7. H06 (Vehicular access construction)

Reason: In the interests of highway safety.

8. H09 (Driveway gradient)

Reason: In the interests of highway safety.

9. H13 (Access, turning area and parking)

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

10. The whole of the works relating to means of access, including drainage, shall be completed before the development is brought into use.

Reason: In the interests of highway safety.

Informative(s):

1. N03 - Adjoining property rights

2. N14 - Party Wall Act 1996

3. HN01 - Mud on highway

4. HN05 - Works within the highway

5. HN10 - No drainage to discharge to highway

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

20. DCSE2005/0494/F - SITE AT CHASE WOOD, OFF FERNBANK ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5RU (AGENDA ITEM 20)

Proposed telecommunication installation consisting of 17.5m slimline lattice mast, 3 antenna, 1 dish, cabinets, fenced compound and ancillary development.

The Principal Planning Officer reported the receipt of a landscaping scheme from the applicant, he also reported the receipt of a further letter of objection from a local resident.

In accordance with the Criteria for Public Speaking, Mr. Palmer, the applicant's agent, spoke in support of the application.

RESOLVED

That planning permission be granted subject to the following conditions:

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

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

2 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 C02 (Approval of details)

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

Informative:

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

21. DCSE2005/0420/F - LARRUPERZ COMMUNITY CENTRE, SCHOOL CLOSE, ROSS-ON-WYE (AGENDA ITEM 21)

Erection of LPG compound + dispenser and installation of 2 no. 1 tonne 'dumpy' storage tanks.

The Principal Planning Officer reported the receipt of a letter of objection from a local resident.

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. 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. Before any work commences on site detailed drawings of the fencing around the compound (including materials and finish) shall first be submitted to and be subject to the prior written approval of the local planning authority.

Reason: In the interests of visual amenity.

4. G04 (Landscaping scheme (general))

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

5. G05 (Implementation of landscaping scheme (general))

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

6. The use of this facility by customers and also deliveries of LPG to it shall not occur outside the hours of 8.00am to 10.00pm Mondays to Saturdays and 10.00am to 4.00pm Sundays and Public/Bank Holidays.

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

Informative(s):

- 1. N03 - Adjoining property rights**
- 2. The development must be carried out, operated and maintained in accordance with the relevant codes of practice with respect to safety procedures.**
- 3. N15 - Reason(s) for the Grant of Planning Permission**

22. DATE OF NEXT MEETING

It was noted that the date of the next scheduled meeting was Wednesday 6th July, 2005.

The meeting ended at 4.20 p.m.

CHAIRMAN

ITEM FOR INFORMATION - APPEALS

APPEALS RECEIVED**Application No. DCSW2004/3768/O**

- The appeal was received on 25th May 2005
- 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 N Donovan
- The site is located at Land to the rear of The New Inn, St. Owens Cross, Herefordshire, HR2 8LQ
- The development proposed is Site for single storey bungalow with double garage
- The appeal is to be heard by Hearing

Case Officer: Andrew Prior on 01432 261932

Application No. DCSE2005/1181/A

- The appeal was received on 22nd June 2005
- 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 WM Morrison Plc
- The site is located at Safeway Stores Plc, Station Street, Ross-On-Wye, Herefordshire, HR9 7AQ
- The development proposed is Replacement and new signage due to change of ownership.
- The appeal is to be heard by Written Representations

Case Officer: Charlotte Atkins on 01432 260536

Application No. DCSE2005/0355/F

- The appeal was received on 2nd June 2005
- 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 Camanoe Estates Ltd
- The site is located at The Chase Hotel, Gloucester Road, Ross-On-Wye, Herefordshire, HR9 5LH
- The development proposed is Erection of 18 apartments.
- The appeal is to be heard by Inquiry

Case Officer: Steven Holder

Application No. DCSE2005/0468/O

- The appeal was received on 13th June 2005
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr & Mrs G Wilson
- The site is located at The Old Chapel, Bury Hill Lane, Weston under Penyard, Ross-on-Wye, Herefordshire, HR9 7PS

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

- The development proposed is Site for two storey 3 bed house
- The appeal is to be heard by Written Representations

Case Officer: Nigel Banning on 01432 261974

APPEALS DETERMINED

Application No. DCSW2004/2295/F

- The appeal was received on 9th February 2005
- 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 P D Peacock
- The site is located at Bliss Cottage, Hentland, Ross-On-Wye, Herefordshire, HR9 6LP
- The application, dated 23RD May 2004 , was refused on 17th August 2004
- The development proposed was Single storey extension
- The main issue is the effect of the proposed development on the character and appearance of Bliss Cottage and the locality.

Decision: The appeal was DISMISSED on 2nd June 2005

Case Officer: Andrew Prior on 01432 261932

Application No. DCSE2004/2297/F

- The appeal was received on 24th February 2005
- 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 Sargeantson
- The site is located at Wyevever, Walford Road, Ross-on-Wye, Herefordshire, HR9 5PT
- The application, dated 21ST June 2004 , was refused on 24th November 2004
- The development proposed was Extension/alterations to provide additional flat.
- The main issue is whether or not this proposal would be likely to result in hazards that would adversely effect interests of highway safety.

Decision: The appeal was DISMISSED on 31st May 2005

Case Officer: Andrew Prior on 01432 261932

Application No. DCSE2004/3156/O

- The appeal was received on 20th January 2005
- 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 R Seal
- The site is located at Land adj. Dyffryn, Firs Road, Ross-On-Wye, Herefordshire, HR9 5BH
- The application, dated 3rd August 2004, was refused on 4th November 2004
- The development proposed was Proposed erection of chalet bungalow.

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

SOUTHERN AREA PLANNING SUB-COMMITTEE

6TH JULY, 2005

- The main issue is the effect of the proposal on the character and appearance of the area, and the living conditions of the occupiers of adjacent properties, having particular regard to loss of light, outlook and privacy.

Decision: The appeal was UPHeld on 9th June 2005

Case Officer: Nigel Banning on 01432 261974

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

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

DCSW2005/1589/F - DEMOLITION OF SINGLE STOREY LEAN-TO'S AND ERECTION OF TWO STOREY EXTENSION, KNIGHTS COMMON COTTAGE, CLEHONGER, HEREFORDSHIRE, HR2 9TP

For: Mr. W.J. Watkins per Mr. S. Potter, Pomona Office, Pomona Drive, Kings Acre Road, Hereford, HR4 0SN

Date Received: 17th May, 2005 Ward: Valletts Grid Ref: 43768, 37125
Expiry Date: 12th July, 2005
 Local Member: Councillor P.G. Turpin

1. Site Description and Proposal

- 1.1 The cottage, the subject of this application, is set back some 132 metres on the north western side of the B4349 road from which it gains access. Access is via a field gate access and then by crossing a field for some 110 metres before reaching the half timber framed cottage with white painted brick infill panels.
- 1.2 There are two upstairs rooms, two living rooms and a bathroom and kitchen in a lean-to at the rear of the cottage. This lean-to has restricted headroom. There is a lean-to on the eastern gable end of the cottage that has a clay pantile roof in contrast to the slate used on the main roof of the cottage.
- 1.3 It is proposed to demolish the rear lean-to together with the lean-to used for storage purposes on the eastern gable wall. The cottage will be extended eastward with a two-storey element 3.4 metres wide, the cottage is just over 3.8 metres wide, and 3 metres long. The cottage is 6.5 metres long. This two-storey link serves as a link between the existing cottage and a two-storey element at right angles to it, this will provide a kitchen and dining room on the ground floor and two bedrooms above. The link building functions as a corridor between the existing cottage and the bedrooms and kitchen/dining room below. This block of building will be 6.5 metres long, i.e. the same length as the existing cottage and 4 metres wide, i.e. slightly wider than the existing cottage. Render will be used on the two-storey block at right angles to the cottage and waney edge timber cladding on the north and south elevations of the link element. Slate is proposed on both the link and new wing.

2. Policies

2.1 Planning Policy Guidance

PPS.1 - Delivering Sustainable Development

2.2 Hereford and Worcester County Structure Plan

Policy H.20 - Housing in Rural Areas

2.3 South Herefordshire District Local Plan

- Policy GD.1 - General Development Criteria
- Policy SH.23 - Extensions to Dwellings

2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft)

- Policy S.2 - Development Requirements
- Policy DR.1 - Design
- Policy H.7 - Housing in the Countryside outside Settlements
- Policy H.18 - Alterations and Extensions

3. Planning History

- 3.1 SW2004/3356/F Demolition of single storey lean-to's and erection of two-storey extension - Refused 23.11.04
- SW2005/0751/F Demolition of single storey lean-to's and erection of two-storey extension - Refused 03.05.05

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 The Traffic Manager recommends that conditions requiring visibility across the road frontage and parking provision be met by conditions attached to any planning permission granted.

5. Representations

- 5.1 The Parish Council has no objection.
- 5.2 In a letter that accompanied the application, the applicant's agent makes the following main points:
- although you consider the proposal conflicts with Policies SH.23 and H.20 please consider the following:
 - it is a farm workers cottage for Arkstone Court. Last occupant single, unacceptable to expect a family of three or more to live in what is arguably a one bedroom dwelling
 - lean-to kitchen limited headroom and dangerous
 - preferable to my client and the Council's Conservation Officer to extend from east gable, preserving the original cottage, although not listed
 - cottage is very well screened
 - extension represents only a 5% increase in the original footprint area

- with to avoid appeal or an application for a replacement dwelling.

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

6. Officers Appraisal

- 6.1 The main issue is considered to be the scale and massing of the extension to the existing cottage.
- 6.2 Whilst it is acknowledged that single-storey lean-to elements are being demolished they are being replaced by a two-storey structure which is larger in footprint than the existing modest two-up-two-down cottage. It is recognised that older cottages such as the one here need modernising such that they meet modern expectations, nevertheless Policy SH.23 in the South Herefordshire District Local Plan requires that proposals for extensions are in keeping in terms of mass and scale amongst other things such as design. Also, the existing dwelling should remain the dominant feature in any resulting scheme. This is evidently not the case with the proposal. The length of the two-bedroom wing was reduced by one metre in length following an earlier refusal, this application however is identical to the second proposal determined by Officers early this year.
- 6.3 The extensions cannot be supported as they are disproportionate in scale with the original cottage.

RECOMMENDATION

That planning permission be refused for the following reason:

- 1. The proposed extensions, by reason of the scale and massing in relation to the cottage, would not be subservient such that the existing dwelling would remain the dominant feature in the scheme proposed. This is contrary to the provisions of Policies SH.23 and H.20 contained in the South Herefordshire District Local Plan, and Hereford and Worcester County Structure Plan respectively.**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

6 DCSW2005/0593/F - 10 EXTRA CAR-BOOT SALES, PER CALENDAR YEAR AT ASHFORD STABLES, STONEY STREET, MADLEY, HEREFORD. HR2 9NZ

For: Mr. & Mrs. D.T. Evans, 5 Dunoon Mead, Newton Farm, Hereford, HR2 7BL

Date Received: 23rd February, 2005 Ward: Stoney Street Grid Ref: 42166, 37952
Adj. Valletts

Expiry Date: 20th April, 2005

Local Members: Councillor D.C. Taylor and Councillor P.G. Turpin

1. Site Description and Proposal

- 1.1 The proposed site is on the north-western side of Stoney Street, an unclassified road (u/c 73209) just to the north east of Ashford House. The site is approximately 0.5 km from the junction of this unclassified road (Stoney Street) with the B4349 road adjacent to the Comet Inn.
- 1.2 Access is adjacent to Ashford House into the fields that have a roadside frontage of some 180 metres. The site is 120 metres at its deepest.
- 1.3 It is possible to use land for car boot sales for 14 days a year without the need for a planning application. The proposal is for 10 additional days which goes beyond that permitted in the General Development Order. This application seeks to renew a temporary planning permission for an additional 10 days that expires on 2nd August, 2005.

2. Policies

2.1 Planning Policy Guidance

2.2 South Herefordshire District Local Plan

Policy GD1	General Development Criteria
Policy T3	Highway Safety Requirements

3. Planning History

- | | | | | |
|-----|---------------|---------------------------------|---|---|
| 3.1 | SH960973PO | Bungalow | - | Refused 27.11.96
(following a Sub-Committee
Viewing Panel Inspection) |
| | SH980114PO | Construction of new dwelling | - | Refused 11.03.98 |
| | SW2000/1311/F | Use for 10 extra car boot sales | - | Approved 02.08.00 |

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 The Traffic Manager states that following further investigation no evidence of vehicles parking on highway or verges queuing delays minimal, intervisibility at pinch point. No evidence of risk to highway safety and delays are not considered to be at a level justifying refusal. Emergency Services, excluding the Police whom have not yet responded, have no adverse comments.
- 4.3 The Head of Environmental Health & Trading Standards raises no objections.

5. Representations

- 5.1 In a letter that accompanied the application the applicants state that the area delineated in blue on the submitted location plan can be used for additional car parking if necessary.
- 5.2 The applicants have submitted five letters, which all relate to representations received. The main points raised being:
- narrow access referred to, however Stoney Street adequate for British Telecom, Gelpack, Chicken Factory, HGV Haulage Company, as a bus route and by other users every day of the week
 - reference made to previous applications and considerable objections, in fact 3 letters of objection and 9 letters of support
 - why have Madley Parish Council responded, given 3 letters of objection out of 13 nearby residents, 10 residents not objected, 5 have written in to support
 - well marshalled, never allowed cars to park on the road
 - problems have only arisen when objectors parked cars on road
 - complimented by police on numerous occasions, also Madley Church have required help for fund raising events
 - not clear where 1500 vehicles is arrived at, when another neighbour states there are between 200-300 cars, trucks and vans down this road on car boot days
 - variance in times stated traffic starts, i.e. 10.00, 11.00 and 11.30 to 16.00, 16.30 and 18.30
 - no excessive rubbish, as it is all picked up
 - claimed car boot will be larger, not correct as it is the same site
 - not exceeded 24 days, indeed has not been five years of car boots, as in 2001 due to Foot and Mouth there were no car boot sales
 - support all charities by not charging them for their pitch, only charge for parking for last two weeks (not compulsory) money going to local charities of their choice.

- 5.3 Madley Parish Council make the following observations:

“We object on the grounds of traffic congestion on the surrounding roads and causing a nuisance to neighbours and road users.”

- 5.4 Kingstone Parish Council make the following observations:

“The Parish Council objects to this application as residents in Stoney Street have concerns about the detrimental effect of high volumes of traffic using the narrow access routes to the site. We understand that previous applications to increase the number of Boot Sales on this site have raised considerable objections from Stoney

Street residents. If previous applications have been refused, we are not aware of any changes which would give any credit to this application.”

5.5 Four letters of objection have been received from:

MPD Ltd., PO Box 3, Ludlow, SY8 4WL
Mr. C. M. Wise, New House, Stoney Street, Madley, HR2 9NJ
Mrs. J. & Mr. P. Kury, Snowdrop Cottage, Stoney Street, Madley, HR2 9NJ
Mr. E. R. Worwood, Upper House, Stoney Street, Madley, HR2 9NJ

The following main points are raised:

- why is car boot not licensed as elsewhere?
- it is a commercial venture, given number of traders, business rates should be paid. Bouncy castle, hot dogs, food and plant sales
- poor traffic management
- traffic back to Comet Inn, narrows outside Upper House, traffic jams of 10 - 40 minutes duration
- fire in 1994 on Industrial Estate, made worse (hospitalisations, loss of jobs) by a mere 5 minute delay. Time is of the essence. Public safety paramount
- traffic blocks our driveway
- traffic arises between 10 to 11.30 leaving 16.00 - 18.30
- between 2-300 cars, vans and trucks visiting site
- 1500 vehicles visiting site
- rubbish thrown from vehicles
- noise of voices, vehicles, generator (bouncy castle)
- noise of high powered hand mower used on verges
- overlooking by public in our garden, property opposite site
- natural brook filled in, trees cut down, water on road instead of in ditches
- 24 days has been exceeded throughout the years, extra field used for extra sales
- may be minority but do not ignore our complaints
- car boot sales have resulted in longer journeys, loss of staff and contracts, abandonment of Sunday operations, i.e. maintenance.

5.6 Ten letters of support have been received, five letters of which are from residents in Stoney Street, in which the following main points are raised:

- enjoyable
- well run
- parking well managed; traffic well marshalled
- good atmosphere
- good way of recycling
- extra days allows for those days when boot sales not possible due to inclement weather
- good means of raising funds for charities
- welcome boost to our business at Comet Inn
- not in built-up area
- created no problems to normal business of Gelpack.

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

6. Officers Appraisal

- 6.1 The main issues are considered to be traffic congestion and amenity.
- 6.2 It is evident that traffic does queue on Stoney Street, there are vehicles wanting to enter the site for 2.00pm the start of the car boot sale. The traders are already on site. There does not appear to be the same issue of congestion on vehicles leaving the site, this is no doubt due to marshals on Stoney Street controlling the flow of departing traffic. There have been no reported incidents of accidents, indeed it is probably due to low traffic speeds, particularly on Stoney Street. There is not an issue of road safety along the relatively straight Stoney Street, this is endorsed by the Traffic Manager.
- 6.3 The Traffic Manager has also stated that the emergency services, including the Police and Fire Brigade, do not raise objections to car boot sales taking place.
- 6.4 Whether or not there are traders on the site is a matter for the applicants, car boot sales as defined in the General Development Order does not specify what constitutes a car boot sale, only that it can only take place 14 days per calendar year.
- 6.5 The number of days for boot sales is normally 14, this has been increased to 24 with the benefit of planning permission granted in 2000. Better monitoring, should planning permission be granted, could be conditioned with the use of a log book detailing days for boot sales and whether or not they were abandoned before being opened up to the wider public due to inclement weather. The site is that identified with the application, any additional land does not constitute a site or indeed sites for further car boot sales. This additional land could be used in association with the 14 days allowed, but strictly speaking not for the proposed additional 10 days as the land falls outside the application site.
- 6.6 There is disturbance on Sundays and Bank Holidays for local residents in the vicinity of the site. This taking the form of parked cars waiting to be let into the site at 2.00 pm and for those residents closer to the site the grand hubbub of noise of voices, car doors slamming, generator noise and for smell of cooking foods. Visual intrusion could not be reasonably sustained as a ground of refusal. The issue revolves around whether or not the additional 10 days is acceptable in respect of the amenity that residents would reasonably expect to enjoy Stoney Street is an important thoroughfare serving a number of commercial premises including Gelpack and BT as well as residential properties, the disturbance from traffic cannot reasonably be sustained given time limited duration of queuing on Stoney Street in the context of the car boot day. The noise and disturbance generated by the public and vendors on site is something that given the frequency of the use and the duration, i.e. for 3-4 hours primarily is a matter that could not reasonably sustain an objection.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. This permission shall be for a temporary period only ending on 31st July 2008.**

Reason: In order to define the terms to which the application relates.

- 2. A log book/record of all car boot sales shall be kept and shall be available for inspection, a car boot sale having deemed to have begun when the gates have been opened for at least one hour, notwithstanding subsequent weather conditions.

Reason: In order to define the terms to which the application relates.

Informative:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

7 DCSE2005/1294/N - IMPORTATION OF TOP SOIL TO BE STOCKPILED IN FIELD OS 0663 UNTIL REQUIRED FOR USE IN REMEDIATION WORKS FOLLOWING EXCAVATION AND REMOVAL OF FARM WASTE MATERIALS AT HILL FARM, LLANCLOUDY, HEREFORDSHIRE, HR2 8QP

For: Mrs. G. Feakins per Burges Salmon LLP, Narrow Quay House, Narrow Quay, Bristol, BS1 4AH

Date Received: 25th April, 2005 Ward: Llangarron Grid Ref: 49345, 20764

Expiry Date: 20th June, 2005

Local Member: Councillor Mrs. J. Hyde

1. Site Description and Proposal

1.1 Hill Farm lies in open farmland approximately 18 km south of Hereford, just off the A466 road from Hereford to Monmouth. There is a tarmac main access drive directly off the A466, but there is also a rough track running northeast from the farmyard to Llancloudy village approximately 1 km away, which joins an unclassified lane before reaching the A466.

1.2 The applicant wishes to import approximately 250 tonnes of topsoil to the farm, to be temporarily stockpiled pending its use to infill excavations following the removal of farm waste by Defra contractors. The proposal is stated to involve approximately 12 vehicle journeys using 8-wheeled bulk tipper lorries.

2. Policies

2.1 Planning Policy Guidance

PPS1	-	Delivering Sustainable Development
PPG10	-	Planning and Waste Management
PPS23	-	Planning and Pollution Control

2.2 Hereford and Worcester County Structure Plan

Policy A1	-	Development on Agricultural Land
Policy WD1	-	The Disposal of Waste
Policy WD2	-	The Disposal of Waste
Policy WD3	-	The Disposal of Waste

2.3 South Herefordshire District Local Plan

Policy GD1	-	General Development Criteria
Policy C11	-	Protection of the Best Agricultural Land
Policy C47	-	Pollution
Policy C48	-	Health and Safety
Policy T3	-	Highway Safety Requirements

2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy S2	-	Development Requirements
Policy DR3	-	Movement
Policy DR4	-	Environment
Policy DR11	-	Soil Quality
Policy W2	-	Landfill or Landraising
Policy W3	-	Waste transportation and handling
Policy W8	-	Waste Disposal for Land Improvement

3. Planning History

- 3.1 This site was subject of an earlier agricultural Prior Approval application (reference SE2004/3458/S) for the removal of farm waste (manure, straw litter and cleansing equipment), but not, it is stated, any animal remains or carcasses, that had been deposited by Defra following the FMD outbreak and a subsequent High Court order (case number HC02C01140 Defra vs Feakins). In that instance Prior Approval was required, and granted on 25th November, 2004 (ref SE2004/4030/F), being determined as Agricultural Permitted Development under part 6 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (GPDO), Defra having given written confirmation that the removal of the waste would be “necessary for the purposes of agriculture”.
- 3.2 It was originally proposed that the waste removal operation could use the existing main access off the A466, creating a short haul road within the farm holding to bypass the farmyard. The surplus excavated material from making the haul road would then have been used to infill excavations created by the waste removal, however the applicant now wishes to use an alternative access track and infill the excavations with imported soil, for which planning permission is necessary and is therefore the subject of this application.

4. Consultation Summary

Statutory Consultations

- 4.1 The Environment Agency initially submitted a Holding Objection asking for further information, namely a method statement for the remediation works and removal of waste materials with regard to any risk to ground and surface water, and also details of how soil stockpiles would be constructed.

Internal Council Advice

- 4.2 Traffic Manager - is concerned about road safety at the junction of the unclassified road with the A466 because visibility is poor and the turn has an oblique angle. Has requested further information about the physical dimensions of lorries to be used, and the likelihood of further vehicle movements being necessary to prepare the track to receive HGVs. If permission were to be granted, a form of traffic control would be necessary in the interests of road safety.
- 4.3 Environmental Health Officer - has commented on the proximity of the track to residential properties, and suggests that the main farm drive would be preferable in this respect. Has requested appropriate testing to ensure that the imported soil is uncontaminated, and would be suitable for the infilling.

5. Representations

5.1 Llangarron Parish Council comment as follows: "Object to this application for the reasons stated below:

- 1) road safety - very inadequate access to A466;
- 2) subsequent damage to the unclassified road verges, hedgerows etc;
- 3) inconvenience to local residents."

5.2 Nine letters of objection have been received from the following local residents:

Dr. S. Goulden, Shop House, Llancloudy
Llancloudy Residents Association
Mr. & Mrs. T Hayward, Hollybush House, Llancloudy
D. George, Pembridge Barn, Llancloudy
J. Rumford, Oakdale, Llancloudy (2 letters)
Mrs. J. Holder, Brew House, Llancloudy
T. & C. Hunt, Chapelfield, Llancloudy
Mrs. J. Martin, The Rowlands, Llancloudy

These are summarised as follows:

- The A466 is dangerous, with restricted width and frequent speeding;
- All removed materials should be containerised, the likelihood of bacterial or fungal spores involved in the breakdown of these residues could constitute a health hazard.
- The probable damage to the road and the safety aspects make the proposal unacceptable;
- The properties affected are older houses without foundations;
- The volume of heavy lorry traffic required is far in excess of that indicated and the time required to complete it would be drastically extended.
- We object not to the principle of importing the topsoil but the route which has been suggested. The track is unsuitable.
- 8-wheeled vehicles are too large for the turns;
- The preparation of the track would necessitate more heavy vehicles increasing the timescale and disturbance;
- We have four elderly and infirm family members.
- We believe this is all part of a Defra scheme to exhume the remains of cattle buried there as part of the Foot and Mouth solution;
- Why try and extract it through the very centre of the village, leaving us open to pollution and disturbance;
- I am concerned as to the effect that the heavy lorries would have on the structure of my property.
- The waste to be removed contains brain and blood, chemical pesticides, disinfectants, asbestos and other materials;
- I understand it is intended to stockpile this waste next to Pembridge Barn prior to transferring it to larger lorries.
- The lorries will be too large to negotiate the junction onto the A466;
- The lorries will damage property, the new drains, the road and the hedges;
- I will be a prisoner in my own home.

- If permission is granted it would allow the already permitted removal of contaminated waste from Hill Farm to use this route as well; Once extended the track would be open to traffic without due regulation;
 - We are uncertain as to the extent of contamination but it could well include BSE, FMD, asbestos etc. we are concerned about potential health risks;
 - The A466 junction is dangerous, the bus stop is used by school children;
 - The lane was never designed for heavy vehicles, we have a shared maintenance agreement for the land and are seeking legal advice as to who would be liable for any damage.
 - There is a strong possibility of damage to property.
- 5.3 The majority of objectors also question the use of the northern track for this operation, and suggest that the main existing access to Hill Farm would be the preferred route as it does not directly pass any residential properties.

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

6. Officers Appraisal

General development principles

- 6.1 There are two distinctly separate issues here, only one of which is the subject of this application, namely (a) the removal of the agricultural waste material deposited at Hill Farm by Defra following the FMD outbreak and described in paragraph 3.1 above, and (b) the importation of soil to infill the resultant excavations. It must be stressed that the removal of the agricultural waste is not the subject of this application. That operation has been identified by Defra and accepted by the Council as Agricultural Permitted Development, and is not subject to planning control. Defra have stated that they have undertaken similar remediations at other premises and have established standard procedures for such circumstances.
- 6.2 With regard to residents' fears about the removal of the waste, the Council has some jurisdiction over this through its Environmental Health Officers, who will be monitoring the work. Defra's State Veterinary Service have stated in a letter dated 25th May 2005 "I would like to reassure residents that Defra's contractors will take all necessary steps to minimise the risks to public health and the environment and are used to safely dealing with far more hazardous materials than those present at Hill Farm. Once access details have been finalised the Defra contractors will draw up detailed working protocols, copies of which will be made available to local residents".
- 6.3 This application is for the subsequent remediation of the excavations created, by infilling them with imported soil – an operation that is not Permitted Development and does need planning permission. Officers' advice is that in principle this would be in accordance with Structure Plan and UDP waste and soil quality policies. The farm comprises grade 2 and 3 agricultural land and provided the imported soil is adequately tested for quality prior to its deposition, and the final levels are satisfactory, Officers consider it should enable the land to be restored and made available for beneficial use. Conditions could be imposed to ensure appropriate testing takes place.
- 6.4 The Environment Agency's consultation response requests further information, some of which relates to the removal of the waste, which is outside of planning control and would be unreasonable. The request for information about the construction method for

stockpiling the imported soil prior to using it for infilling is however reasonable and relevant to planning, and a condition is proposed to ensure that no pollution of ground or surface water would be adversely affected.

Transport and movements

- 6.5 There are two possible access routes at Hill Farm, but the Council has no control over which one is used for the removal of the waste materials. The suggested route for this new planning application is an existing track, although it is currently very rough and could need upgrading to accommodate vehicles. Owners have permitted development rights to repair and improve existing private ways under Parts 6 and 9 of Schedule 2 of the GPDO, and the owner is at liberty to upgrade and use the track at any time (including to remove the waste material) without recourse to the local planning authority.
- 6.6 The applicant has stated that approximately 250 tonnes of imported topsoil would be required, to be delivered to the farm over approximately 2 days, comprising about 12 vehicle journeys using 8-wheeled bulk carriers and stockpiled for up to one month. Officers acknowledge that the disturbance to residents could extend beyond this because of a) the operation to remove the waste and b) the possibility of works necessary to upgrade the track, and that residents' concerns are understandable.
- 6.7 Both the Council and Defra are of the opinion that the existing main farm access drive would be the preferred route for HGVs, as this would avoid passing in close proximity to other properties. However, since the local planning authority cannot prevent the owner from upgrading or using the other track, including for the permitted removal of the farm waste, it would not be sensible or reasonable to specify that the topsoil be brought in via the farm drive.
- 6.8 Traffic Managers have confirmed, following a site meeting held on 16th June 2005, that the access to the farm track through Llancloudy village would in fact be adequate to receive the standard 8-wheel tipper trucks that have been proposed for this operation.
- 6.9 The proposed access route is subject to poor visibility on the A466. To ensure compliance with local plan policy T3 temporary traffic lights might be used, but Transportation Officers advise that due to the length of run that would be needed to achieve the required visibility this may not be practical. Alternatively warning signs would be needed during this temporary operation.

Conclusion

- 6.9 The owner has permitted development rights to have the farm waste removed, and to maintain or improve and use his private track as he thinks fit. The importation of topsoil does require planning permission, and through conditions the Council could control what is imported, final ground levels and hours of working, and require appropriate road safety warnings to be installed during the operation, but very little else in this instance.
- 6.10 The relatively small amount of topsoil to be imported and the short duration of the works are key factors.

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. **No development shall take place until a scheme for a traffic control or warning system on the A466 at the point of access to the proposal site has been submitted to the local planning authority for its written approval. The approved scheme shall be implemented in full for the duration of the development hereby permitted.**

Reason: In the interests of road safety.

3. **Not later than 12 months following the date of this permission, a scheme for the assessment of the quality of materials to be imported on the this site shall be submitted to the local planning authority for its approval in writing. No material shall be imported into this site in connection with the development hereby permitted other than in accordance with the agreed scheme.**

Reason: To protect the water environment, prevent pollution, and in the interests of public safety and amenity.

4. **No materials that are not fit for use as agricultural soil, subsoil or for land drainage shall be imported onto the site in connection with the development hereby permitted.**

Reason: To protect the water environment, prevent pollution, and in the interests of public safety and amenity.

5. **Prior to the commencement of the development hereby permitted, the applicant, the contractors or their agents shall submit for the local planning authority's approval written details of the method of stockpile construction, and the development shall be carried out strictly in accordance with those details.**

Reason: To protect the water environment, prevent pollution, and in the interests of public safety and amenity.

6. **Prior to the commencement of the development hereby permitted, the applicant, the contractors or their agents shall submit for the local planning authority's approval plans and sections of the final levels of the landform to be created. The approved scheme shall be implemented in full.**

Reason: To ensure a satisfactory form of development and in the interests of the amenity of the locality.

7. **The height of the proposed stockpile/s of imported soil shall not exceed 3 metres.**

Reason: To protect the quality of the soil and to ensure a proper reclamation.

- 8. During the course of the importation or removal of any materials in association with the development hereby permitted, 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 to Friday 8.00 am to 6 pm, Saturday 8.00 am to 1.00 pm, nor at any time on Sundays, Bank or Public Holidays

Reason: To protect the amenity of local residents.

- 9. There shall be no burning on site of any materials associated with the development hereby permitted.

Reason: To prevent pollution and protect the amenity of local residents.

- 10. The public highway shall be kept free of all mud or other material emanating from the site or any associated works at all times.

Reason: In the interests of highway safety and public amenity.

Informative:

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

Decision:

Notes:

Background Papers

Internal departmental consultation replies.

8 DCSW2005/1102/RM - APPLICATION FOR APPROVAL OF RESERVED MATTERS FOR NEW AGRICULTURAL DWELLING, INCLUDING GARAGE AND STORAGE ACCOMMODATION AT HILL HOLE BUILDINGS, DORSTONE, HEREFORDSHIRE, HR3 6AF

For: Mr. & Mrs. R. Jones per Mr. M.K. Stratford, Designcell, 3 Pontithel Cottage, Pontithel, Near Brecon, Powys, LD3 0SA

Date Received: 31st March, 2005 Ward: Golden Valley North Grid Ref: 29123, 42958

Expiry Date: 26th May, 2005

Local Member: Councillor N.J.J. Davies

1. Site Description and Proposal

- 1.1 The application site is on the western side of Brown's Lane, an unclassified road (u/c 75235). The farmstead is just under half a mile away from the junction of Brown's Lane with the Class II road (B4348) at the Bage. The Bage is approximately 1 1/2 miles north-west of the western boundary of Dorstone.
- 1.2 Brown's Lane leads on from Hill Hole Buildings, south-westward towards Hillhole Farm. The unclassified road stops just short of Hillhole Farm.
- 1.3 It is proposed to erect a dwelling on an established agricultural holding on land diagonally opposite cattle and sheep buildings, behind a mixed hedgerow. The land inclines steeply south of the proposed plot and the aforementioned farm buildings on the opposite side of Brown's Lane.
- 1.4 This is a detailed or reserved matters application following outline permission on 3rd April 2002.
- 1.5 The proposal entails building a two-bedroom plus bedroom/study that will be cut into the site such that the ground floor accommodation providing the bedrooms will only have doors/windows on the north elevation i.e. down slope. A building will be linked to it providing a hall, utility area and the boiler room, this area in turn joins a four-bay area for parking vehicles. On top of this open layout building will be a garden storage area and a greenhouse accessible only from the western end at ground level. This patio can link with the southern area of the barn type building and that has an open area providing the kitchen dining and living areas.
- 1.6 The ground floor areas up to first level of the main dwelling will comprise stone walling. All the walling above will be of horizontally clad timberwork under a timber clad roof. Solar panels are introduced into part of the south elevation of the dwelling and in the roof space for the garaging/storage building will be glazing for the greenhouse.

- 1.7 The buildings have been deliberately cut into the site in order to reduce the impact of the dwelling and outbuilding. The outbuilding provides covered parts, and above a greenhouse/storage facility.

2. Policies

Area of Great Landscape Value

2.1 Planning Policy Guidance

PPS.7 - Sustainable Development in Rural Areas

2.2 Hereford and Worcester County Structure Plan

Policy CTC.2 - Areas of Great Landscape Value
 Policy CTC.9 - Development Criteria
 Policy H.20 - Housing in Rural Areas
 Policy A.4 - Agricultural Dwellings

2.3 South Herefordshire District Local Plan

Policy GD.1 - General Development Criteria
 Policy C.1 - Development within Open Countryside
 Policy C.8 - Development within Area of Great Landscape Value
 Policy SH.11 - Housing in the Countryside
 Policy SH.17 - Agricultural Workers Dwellings

2.4 Herefordshire UDP (Revised Deposit Draft)

Part 1
 Policy S1 - Sustainable Development
 Policy S2 - Development Requirements

Part 2
 Policy DR1 - Design
 Policy H8 - Agricultural and Forestry Dwellings Associated with Rural Businesses

3. Planning History

- | | | | | |
|-----|-------------|--|---|----------------------|
| 3.1 | SH770424PO | Erection of a farmhouse and farm buildings | - | Approved
02.11.77 |
| | SH790297PM | Erection of farmhouse and farm buildings | - | Approved
09.07.79 |
| | SW01/3386/O | Site for agricultural dwelling | - | Approved
03.04.02 |

4. Consultation Summary

Statutory Consultations

- 4.1 The Environment Agency recommends that conditions be attached as previously recommended.

Internal Council Advice

- 4.2 Traffic Manager recommends conditions including visibility requirements than previously recommended.

5. Representations

- 5.1 Dorstone Parish Council make the following observations:

"Do not support the application. The size of the development with regard to occupation condition and the limited acreage, and no supporting evidence for the application.

If the Planning Officers support the application recommend conditions:

The two linked units comprising this application are for the sole use of the applicant, not to be sold or sub-let, access road is unsuitable for volume of traffic."

- 5.2 Two letters of representation have been received from:

A R Jones, The Gables, The Bage, Dorstone HR3 5SU

The main points raised being:

- may affect our water supply
- understand doubles in size of building and therefore increase in waste materials
- position of sewage treatment plan cause of concern, given slope of land
- need confirmation that water supply will be safe.

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

6. Officers Appraisal

- 6.1 The principle of development for a dwelling to serve the agricultural enterprise has been established with the granting of planning permission on 3rd April, 2002.
- 6.2 The main issues notwithstanding that the principle has been accepted and the concerns relating to the suitability and scale of the scheme, and issues relating to drainage and water supply.
- 6.3 The dwelling has been carefully considered in terms of the siting and how it is cut into the slope such that the building is of the landscape and has not been planted on the site in an otherwise open field. The use of stone and timber assists in reducing the impact that the new dwelling will make on the elevated site. The use of wood cladding will need to be clarified in respect of the colour and finish. The size of dwelling is considered to be commensurate with the needs of the enterprise this is with respect to Government advice in PPS7 : Sustainable Development in Rural Areas together with policies in the South Herefordshire District Local Plan relating to agricultural workers dwellings.

- 6.4 The Parish Council are concerned about the possibility of the storage/garages building being sub-let. Planning permission would be required for the erection of a self-contained and or a separate unit of accommodation. Nevertheless, a condition protecting the use of the building for ancillary purposes and for garaging only would hopefully address this particular area of concern.
- 6.5 The remaining issue relates to foul drainage and the possibility of pollution of water supply of a third party. When planning permission was granted in April 2002, the Environment Agency recommended conditions relating to the means of foul drainage, and including the foul soakaway. This should be situated so as not to cause pollution of any wall, borehole, spring or groundwater areas for potable water supply. This is set out in condition 8 of the above-mentioned planning permission and will be still operative. The Environment Agency has looked at the details proposed relating to the porosity tests and whilst initially concerned have following more information being provided on behalf of the applicants. This issue was raised previously it is still considered given the stance of the Environment Agency then and currently that this extant planning condition should allay the concerns of the local resident and the Parish Council.
- 6.6 There are not considered to be matters that would reasonably preclude granting reserved matters approval for this dwelling, this is with the proviso that the materials proposed are specified together with details of hard and soft landscaping.

RECOMMENDATION

That subject to the receipt of further details relating to details of materials and landscaping the officers named in the Scheme of Delegation to Officers be authorised to issue approval of reserved matters subject to the following conditions and any additional conditions considered necessary by officers:

- 1. **A07 (Development in accordance with approved plans)**

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

- 2. **E09 (No conversion of garage to habitable accommodation)**

Reason: In order to define the terms to which the application relates.

Informative(s):

- 1. **N09 - Approval of Reserved Matters**
- 2. **N15 - Reason(s) for the Grant of Planning Permission**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

9 DCSE2005/1488/F - PROPOSED REPLACEMENT DWELLING FROM BUNGALOW TO TWO-STOREY DWELLING AT BAYSHAM ORCHARD, BAYSHAM, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6QR

For: Mr. & Mrs. S. Fisher per Patrica Smart Designs, Stone End Farm, Churcham, Gloucester, GL2 8AA

Date Received: 9th May 2005

Ward: Llangarron

Grid Ref: 57524, 27896

Expiry Date: 4th July 2005

Local Member: Councillor Mrs. J.A. Hyde

1. Site Description and Proposal

- 1.1 Baysham Orchard is a large, modern, detached bungalow which is part of a cluster of buildings in this relatively isolated location about 1 km. east of Sellack church. It adjoins Baysham Court to the west, with the extensive Baysham Farm complex on the opposite side of the road and Baysham farmhouse about 100 m. to the east. The bungalow is set well back from the road on its spacious plot.
- 1.2 Planning permission (SE1999/3221/F) was granted in March 2000 for replacement of flat roof with pitched gable ended roof with integral bedroom and bathroom accommodation. Subsequently permission (SE2002/3195/F) was granted for a revised scheme which allowed a full second storey partly within the roof slope. None of these permissions have been implemented. The current proposal is to re-build the house rather than alter the roof on the same footprint and the same design and massing as the later permission.

2. Policies

2.1 Planning Policy Guidance

PPS7 - Sustainable Development in Rural Areas

2.2 Hereford and Worcester County Structure Plan

Policy CTC1 - Area of Outstanding Natural Beauty
 Policy CTC2 - Area of Great Landscape Value
 Policy H20 - Residential Development in Open Countryside

2.3 South Herefordshire District Local Plan

Policy C1 - Development Within Open Countryside
 Policy C5 - Development within AONB
 Policy C8 - Development Within Area of Great Landscape Value
 Policy SH21 - Replacement Dwellings
 Policy SH23 - Extensions to Dwellings

2.4 Herefordshire UDP (Revised Deposit Draft)

Policy H7 - Housing in the Countryside outside Settlements

3. Planning History

3.1	SS980425PF	Roof extension, pump house and non-covered swimming pool.	-	Approved 10.11.98
	SE1999/3221/F	Replacement of flat roof with pitched gable ended roof with integral bedroom and bathroom accommodation.	-	Approved 1.3.00
	SE2002/3195/F	Provision of first floor rooms and pitched roof to existing flat roof bungalow. Render over existing brickwork.	-	Approved 16.12.02
	SE2003/0800/F	First floor rear balcony	-	Approved 1.5.03

4. Consultation SummaryStatutory Consultations

4.1 No statutory or non-statutory consultations required.

Internal Council Advice

4.2 Traffic Manager recommends that a condition be included requiring parking accommodation.

5. Representations

5.1 The applicants' agent has submitted the following information:

- (1) This application is for the erection of a replacement dwelling with the same plans as the existing.
- (2) If the existing property were to be built on, not much of the existing structure would remain and all existing brickwork would also be rendered.
- (3) My client feels that a superior build finish would be achieved by starting from fresh.
- (4) The house would then have to meet all current Building Regulations standards and thermal insulation would be much improved throughout the structure; footings etc. would also be substantially sounder and a far more pleasing level of finish would be achieved.

5.2 Sellack Parish Council has no objections to the proposal.

5.3 Five letters have been received objecting to the proposal or expressing concern, in summary, for the following reasons:

- (1) Major concerns are drainage and water supply,

- (2) it is queried whether septic tank is of sufficient capacity or even has any soakaways - emptied very regularly (according to one letter) or every Summer (according to another),
- (3) proposal would require bigger system - spreaders will not be allowed on farmland to rear as this could pollute water supply from valuable private borehole which supplies both houses and livestock (1000 head of stock) at Baysham. Pollution may occur without new drainage system. this should be at front of house rather than as at present at rear as this cannot be accessed for emptying except from adjoining farmland,
- (4) pipe from borehole to farm cross Baysham Orchard and not prepared to move to facilitate development,
- (5) unless this is resolved risk that Water Framework Directive may not be met and could make it difficult for nearby farm.
- (6) serious implications on access to agricultural land,
- (7) adversely affect lighting to Baysham Court and on physical views from Baysham Farm House, grounds and gardens,
- (8) drastic alteration given that house appears to be in good condition,
- (9) do not wish new house to be developed into a guest house or other business venture.
- (10) do not want lorries accessing site from track used each day for crossing cattle to fields.

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

6. Officers Appraisal

- 6.1 Under the Council's current policies replacement dwellings are allowed as an exception to the restriction on new rural housing provided they are of comparable/similar size and scale and on the same site (Policy H20 HWCSP and Policy SH21 SHDLP). The current proposal is for a house on an identical site. It is significantly larger however and different in scale: a two-storey rather than single-storey, flat roofed, dwelling. However the principle of a ridge roof with second floor as an extension has been accepted by the previous planning decisions and these permissions remain extant. The current scheme would be no larger than the most recent planning permission; indeed except for fenestration of the ground floor would be the same in all respects. The existing bungalow is not considered to be of particular architectural or historical interest and in these circumstances there seems to be no benefit, from a planning perspective, in refusing permission.
- 6.2 The existing/proposed dwelling is some 8 m. from the Baysham Court property boundary and about 30 m. from the house itself. The only first floor windows would light a shower room plus a rooflight to a bedroom. These windows could be glazed with obscure glass. In these circumstances it is not considered that the amenities of neighbours would be adversely affected.

6.3 The concerns regarding drainage and the potential for pollution of water supplies are appreciated. It is considered that this could be covered by a planning conditions requiring submission of a foul drainage scheme prior to any other works taking place.

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. E16 (Removal of permitted development rights)**

Reason: To protect the visual amenities and natural beauty of the area.

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

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

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

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

Informative(s):

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

10 DCSE2005/1011/O - SITE FOR THE ERECTION OF ONE DWELLING AT HILLINGDON, WALFORD ROAD, ROSS-ON-WYE, HEREFORDSHIRE

For: Mrs. Cameron per Paul Smith Associates, 19 St Martin Street, Hereford, HR2 7RD

**Date Received: 31st March, 2005 Ward: Ross-on-Wye East Grid Ref: 59866, 23797
Expiry Date: 26th May, 2005**

Local Members: Councillor Mrs. A.E. Gray and Councillor Mrs. C.J. Davis

1. Site Description and Proposal

- 1.1 The application site comprises the northern half of the garden of Hillington, a large Victorian villa situated on the eastern side of Walford Road between Alton Road and Sussex Avenue. There are further detached houses to north and south of Hillington, smaller houses to the rear in Sussex Avenue and modern bungalows on the opposite side of Walford Road.
- 1.2 It is proposed to erect a detached house in the garden of Hillington. The application is for outline planning permission but only design and landscaping have been reserved for later decision. The submitted scheme is for a three-storey house with two prominent bays either side of a central entrance door. In the submitted scheme the bays extend, above eaves level but in the revised scheme the second floor, which would be within the roof slope would be lit by dormer windows. The appearance of the house would be similar to Hillington although it would be about 1 m. narrower and less tall. It would be sited about 3 m. from the northern elevation of Hillington. To the rear elevation would be added a single-storey outbuilding extending some 6 m. which again would reflect the pattern of the adjoining house.
- 1.3 Vehicular access would be at the rear off a private drive. A new double garage would be constructed to replace the smaller existing structure at the rear of the new plot. At the rear the reduced Hillington plot parking and turning area for 3 cars would be provided, although this is outside the application site.

2. Policies

2.1 Planning Policy Guidance

PPG3 - Housing

2.2 Hereford and Worcester County Structure Plan

Policy H16 - Location of Growth -
Policy CTC1 - Area of Outstanding Natural Beauty
Policy CTC9 - Development Criteria

2.3 South Herefordshire District Local Plan

Policy C5	-	Development within AONB
Policy C23	-	New development affecting Conservation Areas
Policy C45	-	Drainage
Policy SH5	-	Housing Land in Ross on Wye
Policy SH14	-	Siting and Design of Buildings
Policy SH15	-	Criteria for new housing schemes
Policy 3		Infill Sites for Housing

3. Planning History

3.1 There have not been any recent applications relating to these premises.

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water confirms that information has been provided from the developer's agent which demonstrates that surface water from the existing property known as Hillingdon currently discharges to the public sewerage system. It has been agreed that to enable a foul connection to be undertaken from the new dwelling to the public sewerage system, the existing surface water discharge and that from the proposed dwelling will be diverted to a soakaway.

Internal Council Advice

4.2 Traffic Manager recommends that conditions should be included in any permission.

4.3 Conservation Manager advises as follows:

"No objection in principle to revised scheme from an architectural point of view and bearing in mind that 'design' is reserved for future consideration."

In addition it is not considered that the two trees (a conifer and a maple) on the road frontage are worthy of a Tree Preservation Order. Neither are particularly fine specimens and if one or both trees were lost, it would not have a significant impact because there are a large number of mature trees along this part of Walford Road.

5. Representations

5.1 The applicant's agent makes the following submission:

5.2 Town Council has no objection to the proposal.

5.3 One letter of objection has been received on behalf of Mr and Mrs P Watters, Ashcroft, Walford Road, Ross on Wye. In summary the following concerns are raised:

- (1) lack of detail, in particular of layout, appearance and of street elevation,
- (2) pattern of gaps between houses would be ruined and make further development difficult to resist,
- (3) would not integrate into street scene : a massive intrusion,

- (4) trees would be removed harming the pleasing appearance of this gap,
- (5) loss of light and aspect from side windows in Ashcroft,
- (6) overlooking from bay windows of Ashcroft and Hillingdon,
- (7) loss of privacy in rear garden of Ashcroft,
- (8) insufficient amenity space would remain for property size of Hillingdon,
- (9) parking for Hillingdon not part of application
- (10) no details of new garage
- (11) copying Hillingdon would not respect free form character of area : accuracy and quality of submission is very poor.

The full text of these representations are included in the Appendix to this report.

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

6. Officers Appraisal

- 6.1 It is considered that there are two main issues: the effect on the street scene and consequently on the character and appearance of this part of Ross on Wye Conservation Area and the effect on the amenities of neighbours.
- 6.2 This section of Walford Road includes substantial detached houses of some character, with varying gaps between them. Thus there are some 18m. between Ashcroft and Hillingdon, 9 m. between Hillingdon and Grosmont House and 5 m. between Grosmont House and Highgate. The insertion of a house in the first gap as proposed would result in gaps of about 6.7 m. and 3.2 m. (Ashcroft – new house, new house – Hillingdon respectively). Although narrower than most of the existing gaps it is considered that these would be sufficient to separate houses of this size and scale.
- 6.3 To fit into the street scene a new house would need to be similar in scale and massing to existing houses. This has been achieved it is considered, by significantly higher floor to ceiling heights than normal for modern houses (although somewhat less than for Hillingdon) and a steep roof pitch (about 45°). The design of the house, although reserved for later approval, is shown on the submitted drawing and is similar to Hillingdon.
- 6.4 There are two small trees (one a fruit tree) which would be close to the front of the house and two more significant trees along the front boundary. It is anticipated that the former pair would need to be removed. The Conservation Manager does not consider that if the frontage trees were lost it would have a detrimental impact in view of other mature trees along this part of Walford Road. In view of the above it is considered that the proposed dwelling would not significantly harm the character and appearance of the Conservation Area. Although an outline application sufficient information has been submitted to allow assessment of the effect of the proposal in relation to the Conservation Area.
- 6.5 It is claimed by the objector that this development would set a precedent for further in-filling along this section of Walford Road. There are however no comparable spaces between houses, other than the church grounds to the north of Ashcroft.
- 6.6 The second issue relates to residential amenity. The main concern is whether this large building would be overbearing in relation to Ashcroft. This house has two side windows: that at first floor level being a small projecting bay window; the ground floor

window does not project but there is an attractive external canopy. These windows would look directly towards the flank wall of the proposed house. The latter would be about 6.7m. away, (less for the projecting window). Whilst the outlook from these windows would be less attractive if the new house is built, and it should be borne in mind that the new house would be taller than Ashcroft as the land rises, it is not considered that it would be so close as to loom over Ashcroft unacceptably. There may be some inter-looking between the side windows in the front bays of the proposed house and Ashcroft but it is not thought that this would be sufficient grounds to refuse permission and may be resolved at reserved matters stage. The rear garden of Ashcroft would be overlooked from the rear first floor windows of the new house but this would not be untypical in a row of detached villas. It is appreciated that the outlook would be less attractive but in view of the above conclusions and the advice in PPG3 it is not thought that there would be significant harm to the amenities of the occupiers of Ashcroft.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. 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.

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

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

3. A04 (Approval of reserved matters)

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

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. H10 (Parking - for new dwelling and Hillingdon)

6. Prior to any foul connection being undertaken from the proposed dwelling to the public sewerage system, the surface water flows from "Hillingdon" must first be redirected to soakaways.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

7. W01 - Foul/surface water drainage

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

8. W02 - No surface water to connect to public system

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

9. W03 - No drainage run-off to public system

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

Informatives:

- 1. If a connection is required to the public sewerage system, the developer is advised to contact the Dwr Cymru Welsh Water's Network Development Consultants on Tel: 01443 331155.**
- 2. N15 - Reason(s) for the Grant of Planning Permission.**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

DCSE2005/1011

COLIN GOLDSWORTHY MBIAT MaPS

DCSE05/1011/F

05/445/CG

21st April 2005

Herefordshire Council
Planning Services
PO Box 230
Blueschool House
Hereford
HR1 2ZB

HEREFORDSHIRE COUNCIL PLANNING SERVICES DEVELOPMENT CONTROL		
22 APR 2005		
To: <i>MUR</i>	
Ack'd: <i>27/4</i>	File:

For the attention of Mr S Holder

BRITISH INSTITUTE OF
ARCHITECTURAL TECHNOLOGISTS

Dear Steve

**LAND ADJOINING HILLINGDON WALFORD ROAD ROSS ON WYE
REF. DCSC2005/1011/0**

I am writing to object to the above planning application on behalf of Mr & Mrs P Watters, who live at Ashcroft, next door to the application site.

We are surprised that the application, which is in a conservation area, is in outline only. The current policy C23 and the emerging policy HBA6 both carry notes indicating that generally only detailed applications will be accepted and outline applications only in exceptional circumstances, where layout and appearance are not material factors. C23 also carries a note suggesting street elevations may be required showing adjacent properties. Layout and appearance must definitely be material factors and were a street elevation to be submitted, showing before and after detail, it would be very evident why.

The gaps between the Church, Ashcroft, Hillingdon and Grosmont House are consistent and form a regular pattern of development. The application site is right in the middle of this section and if developed, would ruin the present pattern. This would then make development of the other two gaps difficult to resist and do nothing to preserve or enhance this part of the conservation area.

HBA6 part 3 states 'where the building line, plan form or density are important characteristics, proposals should integrate successfully into this structure'. By any standard the proposal could not be judged a success. It is a massive intrusion.

The application form states that no trees are to be removed. A site visit will confirm that this is not so. Were the application to be approved, planting would be removed and would substantially affect the established pleasing appearance in this gap. HBA6 part 6 and C23 part ii supports the retention of this planting.

ASSOCIATE: LORRAINE WHISTANCE MBIAT
85 ST OWEN STREET HEREFORD HR1 2JW
TELEPHONE 01432 278100 FAX 01432 271762
email enquiries@colin-goldsworthy.co.uk

The glazed door at ground level and the bay window at first floor level in the side elevation of Ashcroft currently enjoy a bright open southerly aspect. The proposed building, because of its mass and close proximity, would destroy this and infringe on their right of light.

The proposed bay side windows would overlook both Ashcroft and Hillingdon.

The very private and much used rear garden of Ashcroft would be very severely overlooked by the new dwelling.

The amenity space left for the benefit of Hillingdon is too small for a property of this size. Most of what is left is taken up for car parking and driveway.

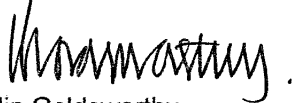
The alterations that will be required to Hillingdon have been ignored. The car parking arrangements indicated on the block plan shows the formation of new parking spaces and these should be part of the application. The form states that there are two existing car spaces (which served Hillingdon) and there will be three proposed. To serve both properties the applicant has shown six spaces.

On the block plan the existing garage is shown to be demolished. A new garage is shown built tight to the boundary, but no mention other than graphically is made regarding this structure. It is potentially another intrusion on Ashcroft.

It appears that the intention is to copy the Hillingdon dwelling. This in itself is going against the free form character of this area by introducing repetition. The quality and accuracy of the detail submitted with this application is **very poor** and is a clear indication of the level of thought that has been adopted when considering its impact in this beautiful part of Ross.

We trust that this application will be refused for the reasons stated above.

Yours sincerely,


Colin Goldsworthy.



11 DCSE2005/0920/F - PROPOSED TELECOMMUNICATIONS INSTALLATIONS CONSISTING OF A 22.5M LATTICE TOWER AND ANCILLARY DEVELOPMENT AT QUEENS TUNNEL, SWAGWATER LANE, GORSLEY, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7SL

For: T-Mobile UK Ltd per AWA Ltd, Efford Park, Milford Road, Lymington, Hampshire, SO41 0JD

Date Received: 23rd March, 2005 Ward: Old Gore Grid Ref: 67514, 26994

Expiry Date: 18th May, 2005

Local Member: Councillor J.W. Edwards

1. Site Description and Proposal

- 1.1 This proposal is for a telecommunications mast of 22.5 m. with a compound for the necessary equipment and cabinets. It would be situated close to the southern boundary of Queens Wood and just to the north-west of the M50 motorway at Gorsley. The nearest houses to the site are Woodside Cottage (about 70 m. away) and Steelworks Farm (about 185 m. away). It is adjacent to the intersection of the footpath leading from Sweagwater Lane and public footpath LTR13.
- 1.2 The proposal has been amended twice since being submitted. Firstly the location has been moved in order not to obstruct the public footpath and secondly the slimline tower has been reduced in width by about 1 m. The reason given for the additional mast is to fill a gap in coverage along the M50 corridor between Linton Wood and Oxenhall Wood.

2. Policies

2.1 Planning Policy Guidance

- | | | |
|------|---|--|
| PPS7 | - | Sustainable Development in Rural Areas |
| PPG8 | - | Telecommunications |

2.2 Hereford and Worcester County Structure Plan

- | | | |
|-------------|---|--|
| Policy CTC1 | - | Area of Outstanding Natural Beauty |
| Policy CTC2 | - | Area of Great Landscape Value |
| Policy CTC6 | - | Development and Significant Landscape Features |

2.3 South Herefordshire District Local Plan

- | | | |
|------------|---|---|
| Policy C1 | - | Development within Open Countryside |
| Policy C41 | - | Telecommunications Development |
| Policy C42 | - | Criteria to Guide Telecommunication Development |

2.4 Herefordshire UDP (Revised Deposit Draft)

Policy CF3 - Telecommunications

3. Planning History

3.1 There have not been any previous applications for development of this site.

4. Consultation Summary

Statutory Consultations

4.1 No statutory or non-statutory consultations required.

Internal Council Advice

4.2 Traffic Manager has no objection to the proposal as the amended location does not obstruct any public right of way.

4.3 The Conservation Manager has no objections to the proposal.

4.4 Head of Environmental Health has no adverse comment.

5. Representations

5.1 The applicant's agent has submitted a detailed justification for the proposed mast and its location. These are included as an appendix to this report. In brief the following reasons are given:

- (1) gap in coverage between Oxenhall Wood and Linton Wood and new facility would benefit local residents and businesses as well as in-car coverage. Coverage plots are submitted,
- (2) site selected to minimise impact on visual amenity : within a group of mature trees 16 m. - 20m. high, providing excellent screening from all directions, other than fleeting glimpses by travellers on motorway,
- (3) slimline tower, now only about 1-5m. at base with no bulky head-frame as antennas and dish attached directly to latticework,
- (4) site is within area of nature conservation interest [Ancient Woodland] but close to existing track and minimal loss of trees,
- (5) well away from any school and nearest residential property is a good 60 m. away,
- (6) alternative sites have been investigated : the site of the nearest of Woodhouse Farm is now in private ownership and owner unwilling to allow mast sharing; other sites are either too prominent in landscape or do not provide adequate coverage.

5.2 Linton Parish Council's observations are as follows:

At its meeting tonight, Council objected, as set out in the Parish Plan. The relevant section of the Plan is quoted below:

F2.2 Masts and Towers. The proliferation of telecommunications masts has caused public concern in the Parish and, in 2003, real anger at the absence of any consultation over commercial intentions. These masts are a blight on the landscape and public health concerns have not been allayed by bland assurances. The Community Planning Day results including this telling (and much endorsed) comment: No More Masts. New Services on Existing Masts. No excuses.

- The Council has no power to resist new telecommunications masts but will nevertheless continue to do so and will press for the strictest compliance with the Unitary Development Plan (Herefordshire Unitary Development Plan (UDP) Revised Deposit Draft (May 2004) S 13.4.12 (CF figure 3). The most vigorous opposition will be mounted against any new mast to be erected within 250 metres of any residence.
- 5.3 Upton Bishop Parish Council state that they will support Gorsley's position as it falls within this Parish. However they would ask that consideration be given to ensuring the mast blends in with its surroundings.
- 5.4 7 letters have been received objecting to or expressing concern, one of which includes a petition with 23 signatures. One very detailed letter is included as an appendix. In summary the remaining letters raise the following matters:
- (1) There are 5 masts within 5 km. radius of this site; including one at Woodhouse Farm,
 - (2) 4 masts along a 1 mile stretch of M50 in Gorsley plus police CCTV mast at junction 3. This is an area of great natural beauty which is being spoiled by these structures,
 - (3) would be much higher than surrounding trees and offensive antennae would show above skyline,
 - (4) Wide stretch of land south-east of Queens Tunnel is open and unforested and so tunnel area visible from many parts of Gorsley village as far as B4221 at Christchurch - a real blot on very fine landscape and eyesore to local residents and walkers,
 - (5) foresters are cutting out mature conifers making it more visible in future,
 - (6) sited where two public footpath meet and close to forest tracks which is not acceptable to The Ramblers Association,
 - (7) part of forest trail frequently used by walkers and near to daffodil walk - wild daffodils are famous in the Dymock area and attract many visitors,
 - (8) is the effect on flora especially daffodils and orchids being taken into account?
 - (9) will it obstruct a public right of way?
 - (10) can Council guarantee no risks to human health? It is still debatable whether there are risks to people and livestock and in this case already 4 masts are emitting electro-magnetic radiation : would a further mast increase radiation to dangerous levels? Many houses would have a direct view of the mast,
 - (11) 10 children in immediate area. Unexplained health problems by resident living close to nearest existing mast,
 - (12) Vodaphone contract expired 2 years ago yet refusing to remove Woodhouse Farm mast despite owners strong wishes,
 - (13) 80% coverage is acceptable according to Government - surely already met,
 - (14) No pre-application consultation with local residents and inadequate planning notices - residents want to be involved in decision making process,
 - (15) will de-value local properties - are Council responsible for loss of value?

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

6. Officers Appraisal

- 6.1 The submitted maps show a definite gap in coverage for a 2 km. stretch along the M50 which would be filled by the proposed mast. The issues raised by this proposal are therefore the effect on visual amenity and the effect on health.
- 6.2 There are trees on both sides of the M50 at this point although only a narrow strip along the south-eastern side of the M50 as opposed to a large wood to the north and west. Nevertheless this would help to limit views of the mast except from the Gorsley area. The top of the mast would be above the treeline but the type of mast and equipment have been chosen to minimise its impact.
- 6.3 Views close up from the public footpath could not readily be screened. In this case the representations indicate that the footpaths are well used especially in spring. Some additional planting outside the compound may be practicable but this would not fully overcome this problem. It seems generally accepted that woodland is the least harmful location for these masts and necessarily they must be close to a track suitable for vehicles (for erection and subsequent maintenance). Many woodland tracks, whether or not officially public footpaths, are used informally by local residents.
- 6.4 A further point raised by objectors is that between junctions 2 & 3 of the motorway there are already 4 masts. This may be more noticeable from the motorway as they are glimpsed in quick succession. It would be very close to the mast at Woodside Cottage. The future of the latter mast is uncertain but nevertheless the number of masts and the proximity of that proposed to well-used footpaths does mean that the proposal is not ideal. However given the demonstrated need and the lack of a more suitable alternative it is considered that there are insufficient grounds to refuse permission.
- 6.5 The Government's advice is that where the application is accompanied by a ICNIRP certificate, assuring that the proposal meets internationally accepted guidelines for limiting exposure to electro-magnetic fields, the local planning authority should not need to consider health effects further. Such a certificate has been submitted in this case. The question of the cumulative effect of the existing and proposed masts has been raised in the representations and further advice is being sought on this point.
- 6.6 In some cases it has been held that the fear or perception of danger to health is grounds for refusing permission. The degree of concern raised by the current proposal is not readily discerned. Certainly some evidence is cited questioning the safety standard adopted. There is a case of ill-health. However although the representations indicate an understandable degree of concern it is not thought that this is grounds to refuse permission.

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(s):

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

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Email : richard.palmer@awa-uk.com
Direct tel : 01590 613974

21st March 2005

Our Ref: RP/63373

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County of Herefordshire District Council
PO Box 230
Blueschool House
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HR1 2ZB



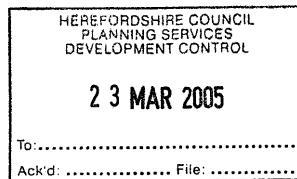
**Telecommunications
Network Implementation
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RECORDED DELIVERY

FAO Mr S. Holder



Dear Sir

PROPOSED TELECOMMUNICATIONS INSTALLATION ON BEHALF OF T-MOBILE UK LIMITED CONSISTING OF A 22.5m LATTICE TOWER, TWO ANTENNA, ONE DISH AND GROUND BASED CABINETS WITHIN A FENCED COMPOUND ON LAND AT QUEENS TUNNEL, SWAGWATER LANE, GORSLEY, ROSS-ON-WYE, HR9 7SL

Please find attached a planning application in respect of the above proposed development.

Requirements for the proposal

T-Mobile UK Limited provides an electronic communications network authorised under the provisions of the Communications Act 2003 and is a company to whom the electronic communications code applies under section 106 of the Communications Act 2003.

The proposed installation is required in connection with the provision of coverage to a stretch of the M50 motorway from Oxenhall Wood to Linton Wood and the local area. Thus it will provide and improve on the in-building coverage to residential and commercial properties as well as in-car coverage to the motorway and local road network. This is increasingly important where there is a growing reliance by both businesses and householders on mobile technology.

Enclosed are a set of coverage plots which show the existing and predicted levels of mobile phone service in the area. These plots clearly indicate the extent of the unsatisfactory situation of coverage in this area at the present time, the predicted improvements post-development and how the current proposal will form an integral part



Andrew Wilkes & Associates Limited
Registered in England No. 3938900

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of the operator's network, demonstrating that there is a need for an installation in this area.

Visual amenity

This site has been selected because it is considered that the location affords the best coverage possible whilst having a minimal impact on the character and appearance of the surrounding area.

The site selected next is off a private gravel track serving the woodland. The proposed mast will in effect be sited within a group of mature trees of about 16m to 20m in height and therefore it and the fenced compound will be well screened from view from outside the woodland. These trees will afford some excellent screening of the mast when viewed from all directions including the land to the south which is in the direction of Steelworks Farm. From this direction, any glimpse of the mast will have the backdrop of this woodland behind it. There will be minimal views of the mast by users of the M50 motorway, but this will be fleeting glimpses as the trees which border close to the motorway will mostly screen it from this perspective. Furthermore, with regards to ground level perspective, these trees around it (360 degrees) will also act as an effective screen and backdrop especially when viewed from closer quarters. Whilst the 22.5m height will allow for the antenna (each about 1.4m high) to be just above the ambient tree line, in order to work effectively and provide the necessary coverage up and down the motorway and surrounding area, the close location of the trees will mean that it will ensure that it does not stand isolated on the skyline.

The undulating land around it means that the top of the mast will not unduly protrude on the skyline. In addition there are a number of taller trees set within this woodland that appear higher than the ambient canopy height. Furthermore, with no bulky head-frame attached (the antenna's and dish will be attached directly to the latticework of the tower), it will not appear overbearing and so particularly noticeable in the context of the landscape.

The slimline lattice tower has been selected as it is considered that this type of design is the least obtrusive type of telecommunications mast, particularly where, as in this case, there is no bulky headframe, in that it allows some permeability of the background through the structure, reducing its overall impact. Furthermore, the open lattice work of the mast is considered the best design when located close to trees as, due to the open nature of the latticework, it readily blends in with the numerous, branches and twigs of the adjacent trees, thus minimising its impact in the landscape whereas a more solid structure such as a monopole, would stand out. Thus such a structure would be particularly unobtrusive in the context of its particular setting.

Also, the slimline lattice design is capable of being shared. In addition the lattice mast could be painted an appropriate colour to your choice if you felt it to improve upon its appearance. The galvanised grey finish/colour of the mast and equipment though, is considered to be particularly discrete when set within the shadows created by the trees.

It is also appreciated that the site lies within an Area of Landscape Character and that such designations are important in protecting sensitive areas. However, the fact that land lies within such an area is not in itself sufficient reason for not allowing telecommunications development. This is particularly the case where it can be

HEREFORDSHIRE COUNCIL PLANNING SERVICES DEVELOPMENT CONTROL
23 MAR 2005
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demonstrated that there are very special circumstances to outweigh a presumption against inappropriate development such as the need to set up an effective and comprehensive telecommunications network. Account has to be taken of the operational need for a particular installation and where, as in this case, it is considered that the siting within the woodland and lattice design of the mast with no headframe is the best that can be achieved in this area, it is considered that the benefit derived from the proposal should outweigh any limited visual harm caused. Any view of it, would only be glimpses and in any event its height and screened location would not be over bearing or demonstrably harmful to the visual amenities of the area. It is therefore considered that it accords with policy LA2 of the emerging Unitary Development Plan.

Furthermore, it is appreciated that the woodland is recognized as a Site of Importance to Nature Conservation. In this instance the location is close to a gravel track which would be used by vehicles for the purposes of building and subsequently servicing the proposed installation. The site is on the edge of a wide 'turning area' which is bordered by a row of trees, on the bank leading to the M50 motorway. There are a mixture of trees here but predominantly self-seeded silver birch. It is proposed to remove one thin silver Birch which is presently leaning over, and clear the scrub around it. (The attached photos have an arrow pointing to this sapling tree). The development would not affect the taller mature trees, such as the mature Larch Tree, on this belt. If you consider it necessary my client would be prepared to accept a condition requiring them to peg out the site before development commences. By doing this, the LPA would ensure that no mature trees will be affected. Details of the foundations can also be agreed prior to the commencement of the work. As there is a proven need for this telecommunications installation, it is considered that being sited on the edge of this gravelled turning area, being served by an existing gravelled trackway, the proposed development would not demonstrably undermine the SINC and its conservation value as advocated in Policy NC4 of the emerging UDP.

It should be noted that the Forestry Commission wish to keep the 'turning area' clear to allow their 'logging vehicles' enough space to turn. Thus re-siting the mast onto the turning area, and further from the trees, is not possible.

The site is also well away from any known school. The nearest residential property is on the opposite side of the M50 motorway a good 60m away. The trees and the presence of the motorway would mitigate any visual impact that the height of the mast would have.

Alternative site search

As you appreciate, there have been extensive investigations into numerous alternative sites in this area in order to provide the coverage to the target area/cell. The alternative sites considered are described in detail below.

Among the sites considered were the following:

- **Existing Vodafone mast on land at Woodside Cottage to the south of the M50 motorway (NGR367520 227010)** – The possibility of mast sharing or co-locating with this existing Vodafone mast was investigated. However, either option is not possible. This is because Woodside Cottage and its curtilage land used to be in the ownership of the Forestry Commission who allowed the mast on their land in the first place. This dwelling and its land and since been sold and the current owner has

<p>HEREFORDSHIRE COUNCIL PLANNING SERVICES DEVELOPMENT CONTROL</p> <p>23 MAR 2005</p> <p>To:</p> <p>Ack'd: File:</p>

been approached. They are not willing to allow more telecommunication equipment on their land whether by a mast share or the building of a separate mast. They are also understood to have intentions to not renew the lease with Vodafone once it expires, thus eventually necessitating the removal of the Vodafone mast.

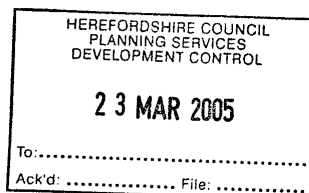
- **Hay Wood (NGR 368765 227475)** - A site was investigated within Hay Wood which is just to the south of the M50 Motorway. However, due to the height of the trees, the distance it is away from the motorway, a substantial tower would need to be built to provide the required level of coverage. Compared to the preferred site at Queens Wood, it is considered that the extra height and bulk of this tower would be significantly more conspicuous in the landscape. This option has therefore not been pursued further.
- **Bailey's Timber Yard at Shaw Common** – This site is fairly exposed and so any mast here will not be well screened in the landscape. The site is also further north and coverage would overlap with the neighbouring T-Mobile installation at Four Oaks. This will also leave a gap in the coverage to the south-west, necessitating the need for an additional mast.
- **Oxenhall Wood to the north of the M50 motorway** – This site is again too far north and coverage would overlap with the neighbouring T-Mobile installation at Four Oaks. This will also leave a gap in the coverage to the south-west, necessitating the need for an additional mast.
- **Dymock Wood near Gorsley Common** – This site is too far south and coverage would overlap with the neighbouring T-Mobile installation at Gorsley Common. This will also leave a gap in the coverage to the north-east, necessitating the need for an additional mast.

The current proposal was therefore selected as being the best available in terms of its siting and appearance and the level of coverage that could be achieved. It is about equidistant between the two neighbouring cells at Gorsley Common and Four Oaks and it will thus provide coverage to this existing gap. The design of the proposed mast equipment is as unobtrusive as possible and it is therefore considered that the proposal is in accordance with both central and local government policies and guidance.

Publicity

You are probably aware that the telecommunications industry has adopted the 'ten commitments' to ensure that the site selection process takes into consideration the need to consult interested parties prior to the submission of formal proposals. This involves using a 'traffic light model' to assess the extent of publicity required.

In this case the site is set a good distance from sensitive locations, such as schools and nurseries and residential properties and it was therefore felt that a 'Green' rating was appropriate. The LPA and Ward Councillors were consulted prior to the submission of this application and we received no objections from the Ward Councillor.



Policy

It is appreciated that the site lies within the an 'Area of Landscape Character' and that such designations are important in protecting sensitive areas. However, the fact that a site lies within such an area is not in itself a sufficient reason for not allowing telecommunications development, particularly where, as in this case, there are very special circumstances sufficient to outweigh any presumption against development. It has been accepted in previous appeal decisions that the need to set up an effective and comprehensive telecommunications network amounts to these special circumstances. Furthermore, it can be argued that the proposed telecommunication installation will be beneficial to the rural economy in the area, as the installation will also provide coverage to local business, the local tourist industry and the road network as well as residential users. To this end it would meet the requirement of the local plan policy and the advice in PPG7.

Account has to be taken of the operational need for a particular installation and where, as in this case, it is considered that the siting and design of the proposal is the best that can be achieved in an area, particularly the benefits of using a tall building and its present appearance, it is considered that the benefit derived from the proposal should outweigh any limited visual harm caused. It has been demonstrated that there is a definite need for this installation in order to provide coverage to this particular cell for the benefit of local residents and businesses and the transport network. It will therefore meet a social as well as economic need for the local community as well as visitors.

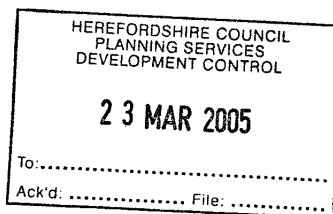
Health

Recent Government advice set out in PPG8, in response to the precautionary approach suggested by the Stewart Report, advises that all installations should meet ICNIRP guidelines for limiting exposure to electromagnetic fields. If such assurance is given, the Local Planning Authority should not need to consider the health effects further. A statement to this effect is included with the application.

Conclusion

It is felt therefore that, given the technical constraints and the characteristics of the area, the site that has been chosen provides the best solution to the network requirements of my Client in this area without unduly or adversely affecting the character and appearance of the area. It is therefore in accordance with both national and local policies for acceptable telecommunications development.

I hope that this provides sufficient information to enable a favourable recommendation to be made in regard to the siting and appearance of the installation but please do not hesitate to contact me if you require any further details or wish to discuss the matter further.



SE05/0920/F
SM

Twin Oaks
Steelworks
Gorsley
Ross on Wye
Hfds. HR9 7SL

21/05/05

Herefordshire Council
Southern Planning Services
PO Box 230
Blueschool House
Blueschool Street
Hereford. HR1 2ZB



FAO Mr Jonathon Barrett, Head of Planning Services

Dear Sir

Re: Planning Application For Proposed Telecommunications installations consisting of a 22.5m lattice tower and ancillary development.
Application No. SE2005/0920/F
T Mobile U.K. Ltd For Proposed Telecommunication Development on Land at Queens Tunnel, Swagwater Lane, Gorsley, Ross on Wye, Hfds. HR9 7SL.

The follow are my representations on the above proposed development, please take these considerations into account in your deliberations.

Observations and Objections:

1. Planning Policy Guidance Note 8 (PPG8), Appendix Para. 9 states that publicity for prior approval should be the same as that for full planning permission -

Objection - The location of the site notice was restricted to members of the public in so far as it was placed in an isolated area on a dead end lane, only accessed by a very limited number of people (either accessing the one home at the end of the lane or walking across private land). A second notice at the proposed site in the woods, down a long rutted track would again only be viewed by those able to walk a considerable distance. The track is not open for public vehicular access. This directly discriminates against the mobility or visually impaired members of the local community, hence contravening the Disability Discrimination Act

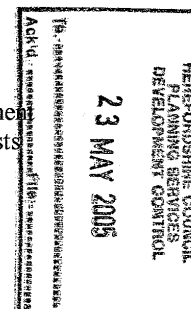
Objection - If people cannot see the site notice, they are effectively disempowered of the right to the statutory consultation process.

Objection - The time period for making representations was not displayed.

Objection - Whilst the notice indicated that the documents relating to the proposed development would be available for public inspection, the locality

is remote from the locality of the proposed development, thereby making it difficult for documents to be inspected, and appropriate comments made upon them.

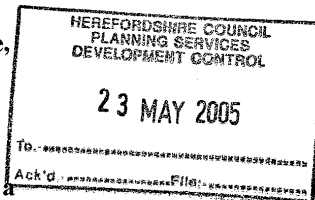
2. **Objection** - Why did the Planning Department not canvas a few local residents for their views. **The lack of this process has severely reduced the available response time for local residents.** This problem was recognised in the Government commissioned **Stewart Report**, clearly demonstrates that the current arrangements are not working satisfactorily, as people are left feeling "**excluded and dis-empowered**" in this consultative process. Which is arguably a violation of the communities rights to a fair hearing enshrined within Article 6.1 of the European Convention on Human Rights and Fundamental Principles (ECHR) as well as being contrary to the Common Law doctrine of **justice must not only be done, but must be seen to be done.**
3. **Objection** - There appears to have been little or no pre-application consultation with the local community by the Operator, contrary to both the guidance set out in paragraphs 9 to 11 of PPG8, and the industries own voluntary code, the Ten Commitments and Traffic Light schemes. Or at the very least there is no evidence of these consultations having taken place, most certainly as a local resident I have not been invited to participate.
4. **Objection** - That no one should have their health placed at risk when clear, unequivocal concerns have been raised by nationally appointed health bodies on the long term health effects of constant bombardment by microwave radiation. **This technology has not yet been proved as being safe.** I (*and the majority of my neighbours*) have deep-seated concerns and worries regarding mobile masts and their perceived detrimental effect on health grounds. Current research on this matter has merely concentrated on the effects of **tissue heating** from microwave emitting antenna. There is, however, a large body of scientific research that now challenges this view with regard to other possible symptoms such as increased cancer risk, sterility, effects on heart pacemakers etc, as well as the biological affects which has only had a limited degree of research, the results of which all point to potential adverse effects.
5. **Objection** - Recent research commissioned by the Dutch Government has demonstrated that there is a risk to health from '**G3**' base stations, as well as an adverse effect upon the well-being of local residents. This research adds on to other recent research reports indicating that there is a potential adverse biological effect, not only on the human population, but also on life forms such as the Nemenode Worm, which is a parasite in sheep and cattle, and which is seen to increase its fertility and size, thereby potentially affecting the food chain, as well as having a profound adverse effect upon agriculture.
6. **Objection** - That the "**precautionary principle**" recommended in the Government commissioned **Stewart Report**, which calls for a cessation in the erection of masts close to people until more is known about the possible health effects of mobile phone technology, appears to have been ignored. Of particular concern is the knowledge that a neighbour to whom the proposed mast will be closest has been



battling for the last two years, after the agreed period expired, to have an existing mast removed. It is wholly unfair, if this mast should be erected at all, that it should be placed towering over their home. Precaution should be taken until such time as research is complete and a health risk either is or is not proven.

7. **Objection** - I note that PPG8 Appendix para 64 states that masts are a particular height which allows signals to clear trees and urban clutter (*houses?*) and that Telecommunications development may need particular locations in order to work effectively. However, it also states that these prominent locations may be exactly the locations that would pose challenges to policies for the protection of high quality landscapes. The higher outputs required in these localities points to the potential that local residents could be **slow cooked** as they sleep in their beds, which as you will be aware is the purpose of microwaves I, for one, consider the Steelworks area to be a quality rural area the net result of this development being approved will see a negative impact upon the quality of life of the community which in turn will have a negative impact on local amenity.
8. **Objection** - There appear to be quite a number of existing masts in the area. It would appear that the planning applicant has given little or no consideration (*more importantly there is no evidence*) to mast sharing or sharing an existing site in the area as an alternative to developing this site. The Government has attached considerable importance to mast sharing in order to keep the numbers of sites and installations to a minimum **PPG 8, Para. 19 to 23**. Conditions in code operators licences require applicants to explore the possibility of site or mast sharing, from PPG8 it is clear that evidence should accompany any application made to the local planning authority, whether that is a prior approval application under Part 24 of the GPDO or an application for planning permission under the T&CPA 1990. Other telecommunication operators (02, Orange, Vodafone, 3) **cannot** refuse a request that mast sharing takes place unless there is a demonstrable reason why not. OFCOM have been granted the power to force shared use for this very reason. If not mast sharing, operators are at least encouraged to site new masts alongside existing ones on sites already deemed suitable for this purpose. **It is not apparent from any correspondence or information available for viewing at the Council Offices that mast sharing was considered to the degree required.**
9. **Objection** - It would also seem that the Code System Operator has given scant regard to the prospect of placing the mast on a site that is more remote from the proposed site. Again PPG8 requires information to be submitted on alternative sites. His Honour Mr Justice Richards at paragraph 41 of *Phillips v First Secretary of State & Ors [2003] EWHC 2415 (Admin) (22 October 2003)* recognises that it is important for decision makers to take the prospects of a more suitable into account:

"Further, although the guidance states that it should not be necessary to consider the health aspects of a development that complies with specified standards for public exposure, it recognises that public concerns about the health implications of a development can still be a material consideration (see paragraphs 97ff of the Appendix). No doubt the existence of such concerns is one of the reasons why the location of telecommunications structures is such a

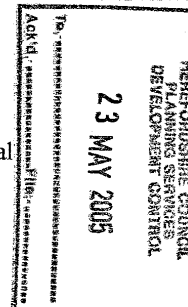


sensitive issue. It seems to me to follow in as a matter of principle, that if there were two alternative sites each of which was otherwise acceptable in environmental terms, it would be open to a decision-maker to refuse approval for one of those sites if the location of a mast on that site would give rise to substantially greater public concerns than its location on the alternative site. To take an example close to the facts of the present case: if one of the sites were close to a nursery school and residential properties, whereas the other was in an industrial estate some distance away from the school and residential properties, the greater public concern about the former might tip the balance against the grant of approval for it. I am not saying that that is how a particular application would be decided or ought to be decided, but only that it would be lawful for a decision-maker to approach the matter in that way."

Whilst, I make no comment on whether the LPA should or should not approve another site for the proposed installation, or as to the suitability of any such site. There are potentially sites that might be considered more remote in terms of their locality to existing sensitive developments, such as residential premises. I therefore urge the LPA to make inquiries to determine whether such a site does exist and whether the operator has done all they should in taking that or any other site into account. And to investigate why the Operator has failed to give sufficient information to the LPA on those potential alternatives in order that the LPA can take them into account within their determination.

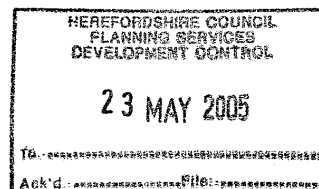
10. **Objection** - That the legal precedent resultant from those court cases where the High Court granted leave to apply for judicial review due to the failure of the respective local authorities to take the concern of the local communities on health effects of masts - *R v Stockport Metropolitan Borough Council ex parte Smith - The Queen on the application of Julia Herman & Others v Winchester City Council and Orange Personal Communications Services Limited* - Mr Justice Hooper & The Honourable Mr Justice Ouseley - Case No. CO/956/2001 - *R v. Forest of Dean Borough Council*. As well as the decision in the Section 288 appeal to the High Court in *Trevett v Secretary of State for Transport, Local Government and the Region* where the court found that it would fetter the obligation of the decision maker to take the concerns of the public on health into account if they were to restrict their deliberations solely to whether an ICNIRP compliant certificate had been submitted by the Operator. And the fact that the Secretary of State conceded in *Yasmin Skelt v First Secretary of State* that health concerns are a material planning consideration. If an ICNIRP compliant certificate has been presented by the phone Operator is not sufficient to stop full and proper consideration of health concerns, and such a failure is sufficient to overturn any decision where health is not taken fully into account

11. **Objection** - That the proposed mast will be an eyesore and that the proposal would have a detrimental effect on the locality generally, and on amenities that ought, in the public interest, to be protected. No consideration, or insufficient consideration has been given to the adverse effect the proposal will have on the amenity of the area, or indeed this particular site.



12. **Objection** - That the proposed development in no way benefits the local community. Mobile phone coverage is more than adequate in this area the new mast is simply a commercial venture by the Operator in order to capture a wider area of the Borough away from this locality. The licence obligation that the operator has for this type of coverage is only 80%. This means that the operator is not required to have full coverage, or even near full coverage, any coverage above that 80% is effectively only being sought for commercial reasons, and not from any obligation. This clearly counts against the Operator on the question of the need for this specific installation, and they must therefore present sufficient evidence to demonstrate that this site is needed. It is clear that your authority is entitled to discount the need for coverage in the locality by 20%.
13. **Objection** - That the proposed development is out of character with the local area. A mast with little or no screening is not going to blend in at all with the local area, so ensuring further detriment.
14. **Objection** - That with the expected future concerns on mobile phone mast safety being similar to those recently raised regarding overhead power lines and television broadcast antennae, private property values will plummet in areas where masts have been erected in or near to residential properties. It is interesting to note that US and other European countries stipulate a minimum exclusion zone of 500m from mast sites to the vulnerable. The Stewart Report also recommends such exclusion zones **Paras 1.44-1.48 Stewart Report. It is also note worthy that the Ombudsman in relation to an objection over the failure of Swindon Borough Council to follow the correct procedures recommended that to correct the maladministration that the local authority pay the deference in loss of value of the property, which resulted in the local authority making total compensation payments of 119,500.**
15. **Objection** - That the development will cause widespread physical interference and disruption to existing television and other telecommunication services due to the physical obstruction or reflection of the wanted signals. Local Authorities need to have taken into account that the potential for interference has been fully considered in the siting and design of this development, as it would be impossible to correct this situation after the site becomes operational. This also can be material planning consideration according to **PPG 8, Para. 33.**
16. **Objection** - That the proximity of the development to residential property will be invasive and intrusive. And thereby affect the amenity of the area. The site is inappropriate. As is the proposed design for this location. I urge you to consider the effect the size and design of this mast will have on the amenity and views of the local area, towering as it will some 22.5m into the air, which will contrast with the woodland landscape of the locality. PPG8 makes it clear that a rejection of permitted development permission is acceptable for base stations should the LPA conclude that it would have an adverse effect on the amenity of the area. I also take this opportunity to draw your attention to the factors listed in PPG8 Annex 1 para 13 that may involve siting:

the height of the site in relation to surrounding land;

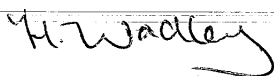


the existence of topographical features and natural vegetation;
the effect on the skyline or horizon;
the site when observed from any side, including from outside the authority's own area;
the site in relation to areas designated locally for their scenic or conservation value;
the site in relation to existing masts, structures or buildings, including buildings of a historical or traditional character;
the site in relation to residential property; and
any other relevant considerations.

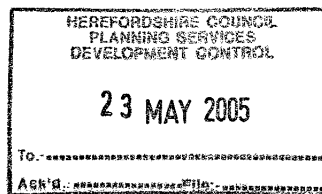
17. **Objection** - The mast has the potential to destroy, or at the very least adversely affect local wildlife.
18. **Objection** - The installation has the potential for adversely affecting livestock, in particular cattle, sheep and horses from the biological effects. Research at the Nottingham University has demonstrated that there is an effect upon the make-up of the nematode worm, which was seen to increase its fertility by 30% and size by 10% when subjected to the non thermal effects of mast emissions. The net effect of this is devastating to the agricultural industry that spends millions every year eradicating the nematode worm. The effect is also potentially apparent in the effect upon the food chain. The present site is such a site that will see these concerns being realised.
19. **Observation** - Under current legislation, including the aforementioned relevant Health & Safety Guidelines and the European Human Rights Act, there is already the very real potential for individual litigation processes to be instigated against Local Authorities, corporate bodies or individuals involved in any way in the approval, erection and operation of apparatus proposed in this and similar applications. It is therefore advised that you seriously consider investigating the legality and consequences, whether current or future, of your involvement in any approval of this and other similar applications in this Borough. Particularly in respect of your public liability insurance cover against the effects of emissions. Lloyds of London has recommended to its members that they do not cover the risks from mast emissions.

For all the reasons set out above I ask that this application be rejected.

Yours faithfully



Miss H. Wadley



12 DCSE2005/1768/F - DEMOLITION OF EXISTING PETROL FILLING STATION AND ERECTION OF 18 NO. RESIDENTIAL APARTMENT DWELLINGS AT FORMER PETROL FILLING STATION, GLOUCESTER ROAD, ROSS-ON-WYE, HEREFORDSHIRE, HR9 5NA

For: First London Investment Group Ltd per Cunnane Town Planning, 67 Strathmore Road, Teddington TW11 8UH

Date Received: 2nd June, 2005 Ward: Ross-on-Wye East Grid Ref: 60729, 24175

Expiry Date: 28th July, 2005

Local Members: Councillor Mrs. A.E. Gray and Councillor Mrs. C.J. Davis

1. Site Description and Proposal

- 1.1 Planning permission was refused on appeal in April 2005 for the erection of 18 residential apartment dwellings on the site of the former Texaco petrol filling station in Gloucester Road, Ross on Wye. The reason for refusal by the Council was as follows:

“The proposal would result in over-intensive development which would appear cramped and would harm the privacy of neighbours. As a consequence the proposal would conflict with Policies SH14, SH15 and GD1 of South Herefordshire District Local Plan.”

A copy of the Inspector's decision notice is included as an appendix to this report. In paragraph 7 he refers to the gardens of the adjoining houses in Weston Grove being "overlooked and the amenity they provide being impaired". This was the only substantive objection to the proposal, in the Inspector's opinion.

- 1.2 The Inspector took into account that a revised scheme for 16 apartment dwellings had been granted permission (March 2005). This differed from the appeal scheme principally in the reduction in size of the central of the 3 blocks (Block 2), from 3 storeys to 2 storeys and in the height of the eastern block (Block 3). The number of rooms in the central block with windows facing Weston Grove increased from 3 bedrooms and one bathroom to 3 bedrooms, one study and one bathroom. The reduction in the number of units resulted from the omission of the third storey of this block. Other significant changes in the eastern block (Block 3) included the omission of windows, above ground floor level in the eastern elevation.
- 1.3 The current scheme seeks to address the Inspector's concerns. The eastern block would be as in the second scheme; the central block would revert to 3 storeys but the second floor windows in the rear elevation would be omitted except for two small bathroom windows and the window lighting the staircase. The bathroom windows would be glazed with obscure glass. Internally these extra apartments would be arranged so that in one apartment the bedroom was lit from the south (Gloucester Road) elevation and in the other from the east (side) elevation.

2. Policies**2.1 Planning Policy Guidance**

PPG.3 - Housing

2.2 Hereford and Worcester County Structure Plan

Policy H.16 - Ross and Rural Sub-Area
 Policy CTC.9 - Development Requirements
 Policy CTC.18 - Development in Urban Areas

2.3 South Herefordshire District Local Plan

Policy GD.1 - General Development Criteria
 Policy SH.14 - Siting and Design of Buildings
 Policy SH.15 - Criteria for New Housing Schemes
 Policy R.3A - Development and Open Space Targets
 Policy SH.9 - Balance of Housing Types
 Policy T.3 - Highway Safety Requirements
 Policy T.4 - Highway and Car Parking Standards
 Policy 3 - Infill Sites for Housing
 Policy 4 - Primary Residential Areas

2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy H.1 - Established Residential Area
 Policy H.2 - Housing Land Allocations
 Policy H.9 - Affordable Housing
 Policy H.13 - Sustainable Residential Design
 Policy H.14 - Re-using Previously Developed Land and Buildings
 Policy H.15 - Density
 Policy H.16 - Car Parking
 Policy H.19 - Open Space Requirements
 Policy RST.3 - Standards for Outdoor Playing and Public Open Space

3. Planning History

- 3.1 SH930690PF New petrol tanks, pumps, islands and canopy - Approved 28.07.93
- SE2001/2584/F New underground storage tanks - Approved 28.01.02
- SE2004/2733/F Demolition of existing petrol filling station and erection of 18 no. residential apartment dwellings - Appeal dismissed 27.04.05
- SE2004/4339/F Demolition of existing petrol filling station and erection of 16 no. residential apartment dwellings. - Approved 16.03.05

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water recommend that conditions be imposed.
- 4.2 Environment Agency's response is awaited.

Internal Council Advice

- 4.3 Traffic Manager's response is awaited.

5. Representations

- 5.1 The applicant's agents makes the following submissions:

- (1) the current application addresses the only issue of concern raised by the Inspector,
- (2) the principle of redevelopment is accepted by both the Council and the Inspector,
- (3) furthermore the scale and bulk of the proposal is acceptable, the local planning authority having granted permission for a similar scheme (SE2004/4339/F),
- (4) regarding the character of the area paragraph 4 of the decision letter is quoted and it is pointed out that as the current scheme would have the same layout it would meet local and national objectives of making best use of land without harming the character of the area,
- (5) on the impact upon adjoining properties paragraph 5 is quoted, which concludes that the scheme would not be out of scale or over-dominate part of the Gloucester Road frontage and it is pointed out that this scheme is the same height and scale,
- (6) on overlooking paragraph 7 is quoted and it is pointed out that Block 2 [central block] has been revised to provide bathrooms in second floor elevation facing Weston Grove which will be obscured glazed and high level opening. Therefore no overlooking can occur, which addresses satisfactorily the only issue raised by the Inspector.

- 5.2 The Town Council considers there are too many dwellings proposed for this site.

- 5.3 Two letters have been received objecting to the proposal on the following grounds:

- (1) This proposed development of 18 residential apartment dwellings is out of keeping with the other properties in the area.
- (2) This development will have a detrimental effect on the value of the surrounding properties.
- (3) The proposed development is totally out of keeping for the entrance to a town.
- (4) We would not have any objection if two-storey housing were proposed for this site.
- (5) Surprised and dismayed at 3-storey block – residents of Western Grove would now be faced with a large expanse of blank wall on the third storey.

- (6) Block 2 is not same height as Blocks 1 & 3 contra application form.
- (7) Could third storey be in roof area as in Block 3?
- (8) Cycle bay and parking at rear would stop access by emergency vehicles.
- (9) Applicants ignoring previous planning decisions, views of local residents and aesthetics of area just to gain 2 more apartments.

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

6. Officers Appraisal

- 6.1 The Inspector concluded that the proposed development (SE2004/2733/F) would not be over-development, detract from the street scene and harm the amenities of neighbours except in one respect. He considered the separation distance (about 10m.) between the rear of the central block and the gardens of houses in Weston Grove would be acceptable at 2-storey (as in the scheme approved by the Council viz SE2004/4339/F) but "the additional level of accommodation proposed for Block 2 would increase the potential for overlooking to an unacceptable extent...this is only substantive objection to the proposal"
- 6.2 The Inspector's decision letter is a material consideration and must be taken into account in determination of this current application. The Inspector did not consider the height of Block 2 to be unacceptable per se but only in that it would result in a significant loss of privacy. The re-design of the scheme would ensure that there would be no overlooking from second floor windows in the rear elevation. This could be ensured by appropriate planning conditions. The windows in the side (east) elevation would still overlook Weston Grove but from further away (about 12m. of the nearest rather than 10m.) and at an angle as the windows are orientated at 90° to the rear boundary. Thus taking an angle of 45° from the middle of the bedroom window in the side elevation the nearest garden in Weston Grove would be about 16m. away. The Inspector did not indicate what a suitable distance would be except that at first floor level 10 m. was adequate. It is considered that the extra distance and less direct angle of vision are sufficient to protect the amenities enjoyed by residents of Weston Grove.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2. B01 (Samples of external materials)

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

3. G04 (Landscaping scheme (general))

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

4. G05 (Implementation of landscaping scheme (general))

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

5. G01 (Details of boundary treatments)

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

6. F48 (Details of slab levels)

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

7. H03 (Visibility splays)

Reason: In the interests of highway safety.

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

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

9. H21 (Wheel washing)

Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety.

10. Before the occupation of any dwelling hereby approved, an infants play area shall be provided in accordance with a scheme which has been submitted to and approved in writing by the local planning authority.

Reason: To ensure appropriate provision of amenity space and facilities.

11. Development approved by this planning permission shall not be commenced unless:

a) A desk top study has been carried out which shall include the identification of previous site use, potential contaminants that might reasonably be expected given those uses and other relevant information and using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced.

b) A site investigation has been designed for the site using the information obtained from the desktop study and any diagrammatical representations (Conceptual Model). This should be submitted to, and approved in writing by the local planning authority prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:

- a risk assessment to be undertaken relating to the receptors associated
 - with the proposed new use, those uses that will be retained (if any) and other receptors on and off the site that may be affected, and
 - refinement of the Conceptual Model, and
 - the development of a Method Statement detailing the remediation requirements.
- c) The site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment undertaken.
- d) A Method Statement detailing the remediation requirements using the information obtained from the Site Investigation has been submitted to the local planning authority. This should be approved in writing by the local planning authority prior to that remediation being carried out on the site.

Reason: To ensure that the proposed site investigations and remediation will not cause pollution of the environment or harm to human health.

12. The development of the site should be carried out in accordance with the approved Method Statement.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and harm to human health.

13. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority, for an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with and from the date of approval the addendum shall form part of the Method Statement.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and harm to human health.

14. Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and report shall also be detailed in the report.

Reason: To protect the environment and prevent harm to human health by ensuring that the remediated site has been reclaimed to an appropriate standard.

15. W01 (Foul/surface water drainage)

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

16. W02 (No surface water to connect to public system)

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

17. W03 (No drainage run-off to public system)

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

18. No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and this has been agreed in writing by the local planning authority in liaison with Dwr Cymru Welsh Water's Network Development Consultant.

Reason: To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system.

19. Prior to the occupation of any dwelling a management plan, to include proposals for the long term design objectives, management responsibilities and maintenance schedules in perpetuity, for the areas of open space, play area and car parking areas shall be submitted to and approved by the local planning authority. The management plan shall be carried out as approved.

Reason: In order to ensure that the use and maintenance in perpetuity of the open space is assured.

20. Notwithstanding the approved drawing no. 4833-1-13a the bin store shall not be sited as shown but in accordance with details of siting and design which have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details before the occupation of the buildings.

Reason: In the interests of safe and free flow of traffic on the highway.

21. E18 (No new windows in specified elevation)

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

22. E19 (Obscure glazing to windows)

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

Informatives:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



Appeal Decision

Site visit made on 04 April 2005

by **R G Gardener** BSc(TownPlan) MRTPI

an Inspector appointed by the First Secretary of State

DCSE2005/1768/F

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Date
27 APR 2005

Appeal Ref: APP/W1850/A/04/1169913

Former Petrol Filling Station, Gloucester Road, Ross-on-Wye, Herefordshire HR9 5NA

- 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 made by First London Investment Group Ltd. against the decision of the County of Herefordshire District Council.
- The application Ref DCSE2004/2733/F, dated 22 July 2004, was refused by notice dated 27 October 2004.
- The development proposed is the demolition of the existing petrol filling station and the erection of 18 No. residential apartment dwellings.

Decision

1. For the reasons given below, **the appeal is dismissed.**

Procedural Matters

2. The proposal is for 3 blocks of apartments, Block 1 being 2-storeys in height and Blocks 2 and 3 at 3-storeys. A more recent scheme for 16 residential apartments has been granted planning permission by the Council (Council ref: DCSE2004/4339/F). I have a copy of that scheme which has strong similarities to the current appeal proposal but Block 2 is reduced to 2-storeys while Block 3 has the appearance of being 2-storey. That approval creates an obvious fall-back position, a material consideration which I have taken into account.

Reasons

3. While there is commercial development nearby, residential uses, primarily mature detached and semi-detached houses in reasonable plots, line Gloucester Road westwards towards the town centre. These commence on the eastern edge of the appeal site where the former Ashburton Inn has been converted to flats. On its west side, the first house, Rowancroft, is set back from the road in a good sized plot. The petrol station is a conspicuous feature in this frontage and residential re-development is supported, as the recent approval shows.
4. That position accords with adopted and emerging policies which support new residential development in the built-up area of Ross on Wye. It also follows government guidance concerning the re-use of previously developed land. However other policies require that new development is sympathetic to the character of the locality in terms of density, form, scale and height. The Council and others consider that the scheme would be over-intensive and appear cramped. While the proposed density of accommodation would be high, in this sustainable location I do not consider that it would be unacceptable if it could be achieved without harm to these other important interests. In that respect the Council refers to the

HEREFORDSHIRE COUNCIL PLANNING SERVICES DEVELOPMENT CONTROL	
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To:	File:
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proximity of the blocks to the site boundaries, the space or lack of space between the blocks and the depth of the blocks when compared to the existing properties in the vicinity and their layout. The concern is that the site and its frontage would be filled with new buildings to a degree which is out of character with the established, more spacious and characteristic pattern of development. Whether or not that would be the case, the effect would not be significantly different in these respects to the scheme which has been approved nor would the potential for landscaping to soften the car park areas, which the Council also criticises.

5. The remaining factor on this issue is the height of the blocks as part of the street scene. Block 1, alongside Rowancroft, while much bulkier would be appropriate and has been approved in the more recent scheme. Block 2, although a storey higher, would be set lower because of the levels of the site and, being set back from the road, would not appear out of place. Block 3, similar in height to Block 2, would be close to the footway and more prominent as a result. Much of the 2nd floor accommodation however would be in the roofspace and that part nearest to the Ashburton Inn effectively steps down to a similar height and scale. I do not consider that it would not appear out of scale or over-dominant as part of this frontage. I do not therefore share the Council's concerns on these matters, particularly bearing in mind the scheme which has now been approved.
6. On the effect of the scheme on the residents of adjoining properties. The site is not only flanked by a house and flats but it also backs onto the gardens of houses fronting Weston Grove. Because of a dense evergreen hedge with the boundary of Rowancroft and since Block 1 would be of a domestic 2-storey height, I do not consider that the amenity that it provides would be unacceptably reduced. The possible conflict between opposing windows in Block 3 and the Asburton Inn conversion, and the consequent mutual overlooking, has been addressed by the approved scheme. It is possible that a similar solution, or perhaps high level windows or obscure glazing to improve the living environment in the new apartments, could have been secured for this scheme to overcome this objection.
7. In respect of Weston Grove, all 3 blocks incorporate principal bedroom and living room windows which would face directly towards those houses and their gardens. Block 3, at the front of the site, would be separated to the extent that overlooking would not be a significant threat to the enjoyment of those properties. Plots 1 and 2 would be much closer, about 10m. from the boundary. The Weston Grove houses have long rear gardens and I do not consider that the living conditions within the houses themselves would be significantly less private as a result. Their gardens however would be overlooked and the amenity they provide impaired. From what I saw these are well used and no doubt are an important facility to those residents. The separation distance from the new apartments to these areas would be acceptable at 2-storey (as, indeed the recently approved scheme allows) but in my opinion the additional level of accommodation proposed for Block 2 would increase the potential for overlooking to an unacceptable extent. In my opinion, this is the only substantive objection to the proposal.
8. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.



Inspector

3. Planning History

3.1 There have not been any recent planning permissions relating to this site.

4. Consultation Summary

Statutory Consultations

4.1 No statutory or non-statutory consultations required.

Internal Council Advice

4.2 The Traffic Manager has no objections to the grant of permission.

4.3 Head of Environmental Health does not object to the proposal but recommends that submission of full details of the fume extract system should be a condition of the planning permission.

4.4 The Conservation Manager does not consider that an external flue would be acceptable. The revised option with the flue being taken internally is preferred.

5. Representations

5.1 The applicant's agent points out that:

- (i) the applicant owns the 2 flats and would undertake to ensure his tenants' living standards are protected
- (ii) historically understood that originally a travellers' inn and more recently a pub and fish and chip shop
- (iii) as an option to the external flue extract the fumes could be taken through the residential flat at first floor level.

5.2 Town Council has no objections to the proposal.

5.3 4 letters have been received raising the following objections to this proposal:

- (i) already too many take-aways in Ross (about 17); in this short stretch there are 2 fast food outlets and 2 restaurants and a pub providing meals - another take-away would further damage the business prospects of existing take-aways
- (ii) only a few real shops left - Ross will start to look like a ghost town by day and a line must be drawn
- (iii) promote more litter and exacerbate problem of rowdiness and general bad behaviour
- (iv) noise and disturbance from late-night opening, especially Friday and Saturday night
- (v) fumes and smells - area should remain predominantly residential

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

6. Officers Appraisal

6.1 The current statutory local plan (South Herefordshire District Local Plan) does not include this part of High Street within the central shopping zone and consequently there is no restriction on the change of use of A1 retail shops into hot food take-aways. However the application site is within the secondary shopping frontage as designated in the Revised Deposit Unitary Development Plan (UDP). There have not been objections to the relevant UDP policies (TCR1 and TCR4) relating to the principle of "secondary shop frontages" nor specifically to the designated frontage within Ross on Wye. Consequently these policies can be given significant weight.

6.2 UDP Policy TCR4 is as follows:

The secondary shopping frontages in Hereford and the market towns should continue to provide a location for a range of shopping area uses. Proposals for financial and professional services (Class A2) and food and drink (Class A3) uses in ground floor premises within the secondary shopping frontages will be permitted provided that:

1. the proposed use will not result in a continuous frontage of more than two non-retail units and will not cause the proportion of non-retail uses in the relevant frontage to exceed 50%. Exceptions to this requirement may be considered where the proposal would lead to the appropriate use of vacant or under-used premises where it can be demonstrated that it is unlikely to be used for retailing; or where the proposal results from the expansion of an existing non-retail use; or where for reasons of location or frontage width the proposal will not detract from the shopping character of the frontage concerned;
2. the proposal otherwise respects the shopping pattern and special character of the frontage concerned; and suitable provision is made for servicing and for the resolution of environmental considerations in the case of Class A3 uses.

This proposal would not result in the 50% limit being exceeded. The adjoining business to the north has been in use as a wine bar and includes the original unit to which a second unit was added in the 1990's. These have been operated as one business. If this wine bar is counted as one unit then the proposal would increase this to 2, which would be permissible under TCR4. However if counted as two then the current proposal would mean more than 2 non-retail units in a row. However in view of compliance with the current statutory plan and that it is arguable whether or not the proposal conflicts with the emerging plan it is considered that there are insufficient policy grounds to refuse planning permission. The concern of local traders is appreciated but competition within the shopping centre is not a matter that should be controlled through determination of planning applications.

6.3 The effect on the amenities of neighbours is however a relevant consideration (Policy TCR15). Revised details of the fume extract system have been submitted in response to requests by Environmental health. These are currently being considered. In the revised scheme the external flue would not have a detrimental impact on the visual amenities of their part of the Conservation Areas. Restrictions of hours of opening could be imposed to protect local residents from undue noise and disturbance. The Traffic Manager is satisfied that in this location, adequate parking would be available in the town centre.

RECOMMENDATION

That subject to being satisfied that the fume extract system would be acceptable the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary by officers:

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

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

- 2. **C02 (Approval of details)**

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

- 3. **F37 (Scheme of odour and fume control)**

Reason: In order to ensure that fumes and odours are properly discharged and in the interests of the amenities of residential property in the locality.

- 4. **E04 (Restriction on hours of opening (restaurants and hot food takeaways))**

Reason: To safeguard the amenities of the locality.

Informative:

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.