

# A G E N D A

## Central Area Planning Sub-Committee

Date: **Wednesday, 21st September, 2005**

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Time: **2.00 p.m.**

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

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

*For any further information please contact:*

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**County of Herefordshire  
District Council**



# AGENDA

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

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

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

	Pages
<b>1. APOLOGIES FOR ABSENCE</b>	
To receive apologies for absence.	
<b>2. DECLARATIONS OF INTEREST</b>	
To receive any declarations of interest by Members in respect of items on the Agenda.	
<b>3. MINUTES</b>	1 - 12
To approve and sign the Minutes of the meeting held on 25th August, 2005.	
<b>4. ITEM FOR INFORMATION - APPEALS</b>	13 - 14
To note the Council's current position in respect of planning appeals for the central area.	
<b>REPORTS BY THE HEAD OF PLANNING SERVICES</b>	
To consider and take any appropriate action in respect of the planning applications received for the central 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.	
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<b>6. DCCW2005/2176/O - LAND ADJACENT TO FOURTH MILESTONE HOUSE, SWAINSHILL, HEREFORD, HR4 7QE</b>	21 - 30
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7.	<b>DCCW2004/0394/M - PART OF O.S. PARCEL 2980, UPPER LYDE GRAVEL PIT, UPPER LYDE, HEREFORDSHIRE</b>	31 - 42
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8.	<b>DCCW2004/0393/F - MORETON ROAD, UPPER LYDE, HEREFORD</b>	43 - 48
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|-----|---|-----------|
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| 20. | <b>DATE OF NEXT MEETING</b>   |           |
|     | The next scheduled meeting is 19th October, 2005.   |           |



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**COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL**

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

**MINUTES of the meeting of Central Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 24th August, 2005 at 2.00 p.m.**

**Present:** Councillor R. Preece (Vice-Chairman in the Chair)

**Councillors:** Mrs. P.A. Andrews, Mrs. E.M. Bew, Mrs. S.P.A. Daniels, J.G.S. Guthrie, Mrs. M.D. Lloyd-Hayes, R.I. Matthews, J.W. Newman, Mrs. J.E. Pemberton, Ms. G.A. Powell, R. Preece, Miss F. Short, W.J.S. Thomas, Ms. A.M. Toon, W.J. Walling, D.B. Wilcox and R.M. Wilson.

**In attendance:** Councillors T.W. Hunt

**40. APOLOGIES FOR ABSENCE**

Apologies for absence had been received from Councillors Mrs. W.U. Attfield, A.C.R. Chappell, D.J. Fleet, G.V. Hyde, J.C. Mayson, Mrs. S.J. Robertson and A.L. Williams.

**41. DECLARATIONS OF INTEREST**

The following declarations of interests were made:

Councillors	Item	Interest
D.B. Wilcox	Agenda Item 6, Minute 45 DCCW2004/0394/M <b>Part of O.S. Parcel 2980, Upper Lyde Gravel Pit, Upper Lyde, Herefordshire</b>	Declared a prejudicial interest and left the meeting for the duration of this item.
D.B. Wilcox	Agenda Item 7, Minute 46 DCCW2004/0393/F <b>Moreton Road, Upper Lyde, Hereford</b>	Declared a prejudicial interest and left the meeting for the duration of this item.
Mrs. S.P.A. Daniels and Mrs. P.A. Andrews	Agenda Item 8, Minute 47 DCCW2005/2334/F <b>Starting Gate Travel Inn, Holmer Road, Hereford, HR4 9RS</b>	Mrs. S.P.A. Daniels declared a prejudicial interest and left the meeting for the duration of this item. Mrs. P.A. Andrews declared a personal interest.
Mrs. S.P.A. Daniels and D.B. Wilcox	Agenda Item 11, Minute 50 DCCE2005/2321/F <b>4 Carter Grove, Hereford, Herefordshire, HR1 1NT</b>	Both Members declared personal interests.

**42. MINUTES**

A sheet containing amendments to the Minutes was circulated at the meeting.

**RESOLVED: That the Minutes of the last meeting held on 27th July, 2005 be approved as amended as a correct record and signed by the Chairman.**

**43. ITEM FOR INFORMATION - APPEALS**

The Sub-Committee received an information report in respect of the planning appeals for the central area.

**RESOLVED: That the report be noted.**

[Note: For the efficient transaction of business, site inspections were agreed at the start of the meeting in respect of Agenda Item 6 (Minute 45), Item 7 (Minute 46) and Item 11 (Minute 50). The Sub-Committee also agreed to undertake a site inspection in respect of planning application DCCE2005/2536/F – Carfax House, Aylestone Hill, Hereford]

**44. DCCW2005/1908/F - 4 AMYAND DRIVE, HEREFORD, HEREFORDSHIRE, HR4 0LU**

*Demolition of existing conservatory and garage, erection of two storey extension to side and conservatory to rear.*

Councillor Mrs. E.M. Bew, a Local Ward Member, noted the value of the site inspection that had been undertaken.

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

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

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

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

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

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

**6. H05 (Access Gates).**

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

**Informatives:**

- 1. N03 - Adjoining property rights.**
- 2. HN5 – Works within the highway.**
- 3. HN10 – No drainage to discharge to highway.**
- 4. N14 - Party Wall Act 1996.**
- 5. N15 - Reason(s) for the Grant of PP.**

**45. DCCW2004/0394/M - PART OF O.S. PARCEL 2980, UPPER LYDE GRAVEL PIT, UPPER LYDE, HEREFORDSHIRE**

*Variation of conditions 4, 12, 14, 19, 22, 23, 26 & 27 on pp ref CW2001/0769/M - for the extraction of sand and gravel.*

Councillor Mrs. S.J. Robertson, the Local Ward Member, thanked the Team Leader (Minerals and Waste) for his work and detailed reports on applications DCCW2004/0394/M and DCCW2004/0393/F. However, Councillor Mrs. Robertson felt that the Sub-Committee would benefit from a site inspection given the extent of local concerns and the fact that a number of Members had not seen the site.

In accordance with the criteria for public speaking, Mr. F. Bradley had registered to speak on behalf of Pipe and Lyde Parish Council and Mr. A.W.C. Morris (Windrush, Portway, Burghill) had registered to speak in objection to the applications. Both speakers said that they would reserve their right to speak until the applications were considered by the Sub-Committee following the site inspection.

**RESOLVED:**

**That consideration of the application be deferred for a site inspection on the following grounds:**

- **a judgement is required on visual impact; and**
- **the setting and surroundings are fundamental to the determination or to the conditions being considered.**

**46. DCCW2004/0393/F - MORETON ROAD, UPPER LYDE, HEREFORD**

*Variation of condition 6 on CW2001/1427/F - widening of carriageway and construction of 6 passing bays.*

[Note: The Sub-Committee agreed to undertake a site inspection in conjunction with application DCCW2004/0394/M above.]

**RESOLVED:**

**That consideration of the application be deferred for a site inspection on the**

following grounds:

- a judgement is required on visual impact; and
- the setting and surroundings are fundamental to the determination or to the conditions being considered.

**47. DCCW2005/2334/F - STARTING GATE TRAVEL INN, HOLMER ROAD, HEREFORD, HR4 9RS**

*Two storey extension to hotel.*

The Central Team Leader reported the receipt of a letter of objection from Mr. M. Davis of 21 Glenthorne Road and summarised the contents of the letter. The Central Team Leader also reported the receipt of comments from the Environmental Health Officer; whilst there was no objection in principle, some concerns about levels of activity were noted but it was felt that any potential noise issues could be adequately mitigated through landscaping and acoustic fencing.

In accordance with the criteria for public speaking, Mr. L. White (19 Glenthorne Road, Hereford) spoke in objection to the application and Mr. M. Thackeray (the applicant's agent) spoke in support of the application.

In response to some of the points raised by speakers, the Central Team Leader clarified that:

- given that this application related to the hotel and not the public house, it would be difficult to condition the use of the public house car park but an informative note could highlight the concerns of Members and local residents about noise issues;
- the layout had been carefully considered and it was felt that the 'L' shaped extension was appropriate given that it would have little visual impact outside of the application site;
- a scheme of noise attenuating measures would be required through a condition on any planning permission granted.

Councillor Mrs. P.A. Andrews, a Local Ward Member, commented that this proposal would have no direct impact on the locality and that there was a shortage of medium priced hotel accommodation in Hereford. However, the concerns of local residents about noise were noted and she urged the applicant to manage the customers of the public house better and to comply with the conditions fully. Councillor Ms. A.M. Toon, also a Local Ward Member, supported these views.

A number of Members noted the need for hotel accommodation and welcomed the assurances given by the applicant's agent regarding noise control.

**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. A08 (Development in accordance with approved plans and materials).**

**Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area.**

- 3. F32 (Details of floodlighting/external lighting).**

**Reason: To safeguard local amenities.**

- 4. F16 (Restriction of hours during construction).**

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

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

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

- 6. F01 (Scheme of noise attenuating measures).**

**Reason: To safeguard the amenity of the area.**

- 7. F38 (Details of flues or extractors).**

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

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

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

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

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

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

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

- 11. G27 (Landscape maintenance arrangements).**

**Reason: In the interests of visual and residential amenity.**

- 12. G16 (Protection of trees covered by a Tree Preservation Order).**

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

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

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

**Informatives:**

- 1. N01 - Access for all.**
- 2. N08 - Advertisements.**

3. **HN01 - Mud on highway.**
4. **N15 - Reason(s) for the Grant of PP.**

**48. DCCE2005/1530/F - WALNEY BARN, AYLESTONE HILL, HEREFORD, HR1 1JJ**

*Demolition of existing Dutch barn erection of new private residence and attached double garage.*

Councillor D.B. Wilcox, the Local Ward Member, noted that the principle of development was acceptable but expressed concerns about the drainage arrangements. Councillor Wilcox noted that mains provision was likely to be improved in the area in the not too distant future and he felt that the property should be connected to a mains foul sewer when reasonably available. Councillor W.J.S. Thomas supported these views.

In response, the Central Team Leader commented that, whilst drainage was a material planning consideration, conditions needed to be reasonable and there was no certainty about the timing of mains availability. He suggested that an informative note could be added to any planning permission granted to highlight the issue to the applicant and future occupants of the property.

Councillor R.I. Matthews commented that there appeared to be sufficient space for an alternative drainage system. Councillor Thomas responded by saying that alternative systems often failed after a number of years and that mains drainage was the only acceptable solution in this location. Councillor Wilcox also noted that the site was elevated which could have an effect on the efficiency of an alternative system.

The Head of Planning Services advised that the prospect of compliance was an important consideration and noted that no date for mains connection could be anticipated. He added that an unreasonable condition could leave the Authority vulnerable to challenge.

It was noted that recommended conditions 9 and 10 dealt with foul drainage disposal and it was suggested that these conditions could be emphasised.

In response to a suggestion that the application be deferred, the Principal Planning Officer reported that the application was to be considered at the last meeting but was held pending further advice from Environmental Health. It was noted that Officers considered the drainage arrangements to be adequate.

The Development Control Manager suggested that a condition requiring connection to a mains foul sewer 'as soon as is reasonably practicable' would be more reasonable.

**RESOLVED:**

**That planning permission be approved 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. **A08 (Development in accordance with approved plans and materials).**



**Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area.**

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

**Reason: To ensure adequate off street parking arrangements remain available at all times.**

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

**Reason: Due to the restricted nature of the application site and in the interests of preserving the special architectural design of the development.**

- 5. No balcony shall be introduced without the grant of further specific permission from the local planning authority.**

**Reason: To safeguard the amenities of the locality.**

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

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

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

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

- 8. F16 (Restriction of hours during construction).**

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

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

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

- 10. F28 (No discharge of foul/contaminated drainage).**

**Reason: To prevent pollution of the water environment**

- 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. G10 (Retention of trees).**

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

15. H05 (Access gates).

Reason: In the interests of highway safety.

16. H09 (Driveway gradient).

Reason: In the interests of highway safety.

17. H12 (Parking and turning - single house).

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

18. H21 (Wheel washing).

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

19. The dwelling hereby approved shall, as soon as is reasonably practicable, be connected to mains sewerage and the existing private drainage facilities shall then be removed and the land reinstated all in accordance with a scheme of works and timetable to be submitted to, and approved in writing by, the local planning authority.

Reason: In the interests of land amenity and securing effective long term drainage for this site.

**Informatives:**

1. N01 - Access for all.
2. N03 - Adjoining property rights.
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 PP/LBC/CAC.

49. DCCE2005/2124/O - NETHWAY, LOWER BULLINGHAM, HEREFORD, HEREFORDSHIRE, HR2 6EE

*Site for ten new dwellings.*

In accordance with the criteria for public speaking, Mrs. Ballantyne (61 St Clares Court, Lower Bullingham) had registered to speak in objection to the application but was not present at the meeting and Mr. C.F. Butt (the applicant) had registered to speak in support of the application but decided not to speak.

**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. **B01 (Samples of external materials).**  
**Reason: To ensure that the materials harmonise with the surroundings.**
6. **E18 (No new windows in specified elevation).**  
**Reason: In order to protect the residential amenity of adjacent properties.**
7. **F16 (Restriction of hours during construction).**  
**Reason: To protect the amenity of local residents.**
8. **F18 (Scheme of foul drainage disposal).**  
**Reason: In order to ensure that satisfactory drainage arrangements are provided.**
9. **G01 (Details of boundary treatments).**  
**Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.**
10. **G08 (Retention of trees/hedgerows (outline applications)).**  
**Reason: To safeguard the amenity of the area.**
11. **H03 (Visibility splays).**  
**Reason: In the interests of highway safety.**
12. **H18 (On site roads - submission of details).**  
**Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.**

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

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

**14. To ensure the Withy Brook Site of Interest for Nature Conservation adjacent to the proposed development site is protected and its nature conservation potential enhanced, an Ecological Method Statement shall be submitted to, and agreed by, Herefordshire Council's Ecologist prior to any development. Details of this statement should include measures to safeguard the broadleaved bank-side vegetation and the aquatic life of the Brook during and after development operations together with a plan for ecological management and enhancement. The method statement shall be agreed with Herefordshire Council's Ecologist prior to development.**

**Reason: To comply with Herefordshire Council's UDP Policy NC1, NC4, NC6, NC7, NC8 and NC9 and HBA9.8 in relation to Nature Conservation and Biodiversity.**

**Informatives:**

- 1. HN05 - Works within the highway.**
- 2. HN08 - Section 38 Agreement details.**
- 3. The applicant/developer is advised that the proposed detailed layout should include predominantly terraced houses of two and three bedroom in size. The two bedroom houses should be around 70 sq metres of habitable living space and the three bedroom properties should be around 90 sq metres of habitable living space.**
- 4. The applicant/developer is advised that the site lies within a floodplain and Holme Lacy Road providing access to the site is particularly prone to flooding.**
- 5. N15 - Reason(s) for the Grant of PP/LBC/CAC.**

**50. DCCE2005/2321/F - 4 CARTER GROVE, HEREFORD, HEREFORDSHIRE, HR1 1NT**

*First floor extension to existing dwelling.*

In accordance with the criteria for public speaking, Mr. R. Ferriday (Cranberry, 49a Folly Lane, Hereford) spoke in objection to the application and Ms. L. Timmer (the applicant's agent) spoke in support of the application.

Councillor D.B. Wilcox, a Local Ward Member, noted that the speakers had raised some important points and felt that the Sub-Committee would benefit from a site inspection.

**RESOLVED:**

**That consideration of the application be deferred for a site inspection on the following grounds:**

- the setting and surroundings are fundamental to the determination or to the conditions being considered.

**51. DCCW2005/2176/O - LAND ADJACENT TO FOURTH MILESTONE HOUSE, SWAINSHILL, HEREFORD, HR4 7QE**

*Erection of two dwellings.*

Councillor R.I. Matthews, the Local Ward Member, noted local residents' concerns regarding potential overdevelopment and highways safety considerations and felt that the Sub-Committee would benefit from a site inspection.

In accordance with the criteria for public speaking, Mr. Smith (the applicant's agent) had registered to speak in support of the application but was not present at the meeting.

**RESOLVED:**

**That consideration of the application be deferred for a site inspection on the following grounds:**

- the setting and surroundings are fundamental to the determination or to the conditions being considered.

**52. DATE OF NEXT MEETING**

It was noted that the date of the next scheduled meeting was Wednesday 21st September, 2005.

The meeting ended at 2.50 p.m.

**CHAIRMAN**



**ITEM FOR INFORMATION - APPEALS****APPEALS RECEIVED****Application No. DCCW2005/1521/F**

- The appeal was received on 31st August, 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 O2 UK Ltd.
- The site is located at Hereford Rugby Football Club, Belvedere Lane, Hereford, HR4 0PH.
- The development proposed is Proposed 25m high lattice tower equipped with 3 antennas, 2 no. 600mm transmission dishes, 2 ground based equipment cabinets and ancillary development thereto.
- The appeal is to be heard by Written Representations.

**Case Officer: Peter Clasby on 01432 261947**

**Application No. DCCE2004/2837/O**

- The appeal was received on 5th September, 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 M.A. Godson in LPA Receivership.
- The site is located at Site at Longworth Lane (adjoining The Gateway Centre), Bartestree, Herefordshire.
- The development proposed is Demolition of buildings and proposed site for residential development.
- The appeal is to be heard by Hearing.

**Case Officer: Russell Pryce on 01432 261957**

**APPEALS DETERMINED**

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





**5 DCCE2005/2321/F - FIRST FLOOR EXTENSION TO EXISTING DWELLING. 4 CARTER GROVE, HEREFORD, HEREFORDSHIRE, HR1 1NT**

**For: Mr. N. Nenadich, RRA Architects, Packers House, 25 West Street, Hereford, HR4 0BX**

**Date Received: 13th July, 2005      Ward: Aylestone      Grid Ref: 52122, 40559**

**Expiry Date: 7th September, 2005**

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

### **Introduction**

Members will recall this application from the Central Area Planning Sub-Committee (24th August, 2005) and the subsequent site inspection on the 12th September, 2005.

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

- 1.1 This application seeks permission for the erection of a first floor side extension to 4 Carter Grove, Hereford. The application site is located within an established residential area found to the south of the Hereford colleges. The application falls within a designated Conservation Area. The application site consists of a typical suburban dwelling house of no particular architectural interest. A Scots Pine, protected by a Tree Preservation Order, lies in close proximity to the site of the proposed extension.
- 1.2 The proposal seeks permission for the erection of a contemporary two storey addition to provide first floor accommodation. No ground floor is proposed, whilst the proposal involves pole foundations to minimise the impact upon the protected tree. The proposal will provide for new residential accommodation together with a first floor terrace to the rear of the extension and the existing dwelling, where a flat roof above the existing dining room is currently found.
- 1.3 The application represents a resubmission, the first (DCCE2005/1555/F) being withdrawn due to concern over the impact upon the adjacent tree on site, which is protected by a Tree Preservation Order. This application is the result of extensive consultation with the Council's Arboriculturalist.

### **2. Policies**

#### **2.1 Planning Policy Guidance:**

- PPG1 - General policy and principles  
PPG15 - Planning and the historic environment

#### **2.2 Hereford Local Plan:**

- ENV14 - Design  
H16 - Alterations and extensions  
CON12 - Conservation areas

- CON13 - Conservation areas - development proposals
- CON14 - Planning applications in conservation areas
- CON21 - Protection of trees

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

- S1 - Sustainable development
- S2 - Development requirements
- S7 - Natural and historic heritage
- DR1 - Design
- H18 - Alterations and extensions
- LA5 - Protection of trees, woodlands and hedgerows
- HBA6 - New development within conservation areas

## 3. Planning History

- 3.1 CE2005/0394/F - Conservatory extension. Approved 23rd March, 2000.
- 3.2 DCCE2005/2321/F - First floor side extension to existing dwelling. Withdrawn 29th June, 2005.

## 4. Consultation Summary

### Statutory Consultations

- 4.1 None.

### Internal Council Advice

- 4.2 Conservation Manager: No objections are raised in respect of the impact of the proposed extension on the Conservation Area or the protected tree.
- 4.3 Traffic Manager: No objections.

## 5. Representations

- 5.1 Hereford City Council: No objection.
- 5.2 Local Residents: One letter of objection has been received raising the following points:
  - Design is out of keeping with traditional buildings that surround the site;
  - Loss of privacy;
  - Overbearing impact;
  - Design is not acceptable.

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

## 6. Officers Appraisal

- 6.1 It is considered that the following points represent the key issues associated with this application:

- 1 Principle of development;
- 2 Design, scale and siting;
- 3 Residential amenities;
- 4 Visual amenities and impact upon Conservation Area;
- 5 Impact upon protected trees.

#### Principle of Development

- 6.2 Hereford City Local Plan Policy H16 and Herefordshire Unitary Development Plan Policy H18 relate to residential extensions. These policies advise that additions should be in scale and in keeping with the character of the existing building and its surroundings, provide for any increase in car parking provision, have regard to the amenities of nearby residential properties, and be in keeping with the overall character of the area.
- 6.3 Hereford City Local Plan Policy ENV14 and Herefordshire Unitary Development Plan Policy DR1 relate to the design of new development. The importance of securing appropriately designed new development is emphasised.
- 6.4 Turning to the conservation issues associated with this site, Hereford City Local Plan Policies CON12, CON13 and CON14 relate to development within designated Conservation Areas. The importance of preserving or enhancing the character and appearance of these areas is stressed. This stance is echoed in the emerging Herefordshire Unitary Development Plan (Revised Deposit Draft) Policy HBA6. Trees protected by Tree Preservation Orders are considered in Hereford City Local Plan Policy CON21 and Herefordshire Unitary Development Plan (Revised Deposit Draft) Policy LA5. The loss of such trees will be resisted.
- 6.5 In consideration of the above policies it is considered that there are no fundamental policy objections to the proposed development. The application is therefore considered acceptable in principle with the acceptability or otherwise of this scheme resting in the details.

#### Design, Scale and Siting

- 6.6 This proposal is notable for its contemporary design approach. Planning policy for house extensions advises that new development should be in keeping with the existing character of the area and associated dwelling. It is not considered, however, that being 'in keeping' prevents a contemporary design approach where the design is considered appropriate for the location. In this instance the application site is found within a late 20<sup>th</sup> Century housing development that has no particular architectural interest. It is considered that this contemporary design approach will actually improve the architectural interest of this property. By virtue of being an appropriate design solution it is considered that this addition is will not appear incongruous in the context of the associated dwelling house and wider area. The scale and siting are considered appropriate in the context of the existing dwelling house and the layout of the locality.

#### Residential Amenities

- 6.7 The loss of privacy to neighbouring properties was highlighted at the pre-application consultation stage as a central issue for consideration. To the south east and north east a powder coated/painted steel louver privacy screen is proposed to prevent an unacceptable loss of privacy. To the north west and south west an architectural steel

mesh screening system is proposed around the balcony area. It is considered that these screening techniques will ensure the privacy of the adjoining neighbours without compromising the architectural styling of the development. To the south west it is considered that the loss of privacy will be limited to an acceptable level above that currently found. In consideration of the relation of the property with its neighbours it is considered that the development will not result in an unacceptable loss of light or overbearing impact. Conditions will ensure the effectiveness of the proposed privacy screening.

#### Visual Amenities and Impact upon Conservation Area

- 6.8 The siting of this addition is such that limited views from public vantage points will be afforded to it. That said, it is considered that this proposal represents a development of visual and architectural merit and as such it is considered that the proposal will cause no harm to the visual amenities of the locality. It is considered that this proposal will certainly preserve, and potentially enhance, the character and appearance of the Conservation Area.

#### Impact upon Protected Trees

- 6.9 A Scots Pine protected by a Tree Preservation Order is located immediately adjacent to the proposed siting of this extension. The design concept of this scheme, which effectively proposes a floating first floor, is specifically designed to accommodate this tree and no objection has been raised to this revised scheme by the Arboriculturalist.

#### Conclusion

- 6.10 It is considered that this application represents a scheme of interest and architectural merit that will enhance an otherwise inoffensive, but inspiration lacking, area. It is considered that the design is appropriate and the scale and siting acceptable having regard to visual and residential amenities.

### **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 Prior to the commencement of development full specifications of the proposed screening measures shall be submitted to and approved in writing by the local planning authority. Prior to the occupation of the development hereby**

authorised the agreed screening measures shall be installed and retained in perpetuity.

Reason: To safeguard the amenities of the locality.

**5 F16 (Restriction of hours during construction)**

Reason: To protect the amenity of local residents.

**6 G16 (Protection of trees covered by a Tree Preservation Order)**

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

**7 G17 (Protection of trees in a Conservation Area)**

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

**8 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.

**informatives:**

**1 N03 - Adjoining property rights**

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

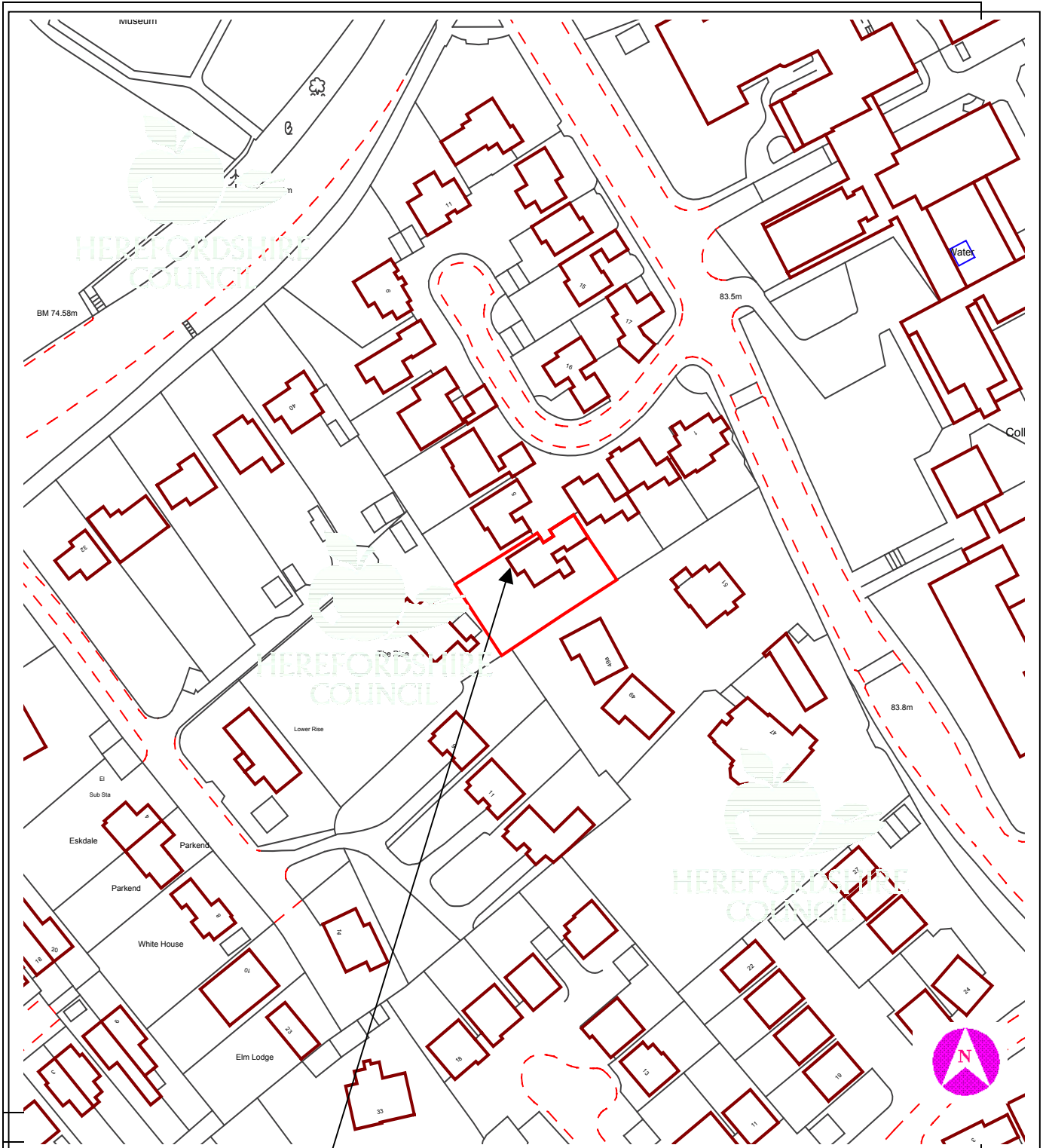
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**Background Papers**

Internal departmental consultation replies.



**APPLICATION NO:** DCCE2005/2321/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** 4 Carter Grove, Hereford, Herefordshire, HR1 1NT

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## **6 DCCW2005/2176/O - ERECTION OF TWO DWELLINGS AT LAND ADJACENT TO FOURTH MILESTONE HOUSE, SWAINSHILL, HEREFORD, HR4 7QE**

**For: Mr. & Mrs. C.A. Thomson per Paul Smith Associates, 19 St. Martins Street, Hereford, HR2 7RD**

**Date Received: 4th July, 2005**

**Ward: Credenhill**

**Grid Ref: 44963, 41983**

**Expiry Date: 29th August, 2005**

Local Member: Councillor R.I. Matthews

### **Introduction**

Members will recall that the determination of this application was deferred at the Central Area Planning Sub-Committee meeting of 24th August, 2005 in order for a site visit to be held. The site visit took place on 12th September, 2005.

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

- 1.1 This site is located to the rear of Fourth Milestone House, Swainshill, Hereford and forms part of the rear garden. The proposal, in outline form, is to establish the principle of erecting two dwellings with access off the private lane to the rear. Dwellings adjoin the north, east and southern boundaries with open fields to the west.
- 1.2 The plot of land measures approximately 25 metres wide by 45 metres in depth. The indicative plan submitted proposes two detached dwellings fronting the private lane with associated parking spaces.

### **2. Policies**

#### **2.1 Planning Policy Guidance:**

PPG3 - Housing

#### **2.2 Hereford and Worcester County Structure Plan:**

Policy H16A - Housing in Rural Areas  
 Policy H18 - Housing in Rural Areas Outside of Green Belt  
 Policy CTC9 - General Development Criteria

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

Policy GD1 - General Development Criteria  
 Policy SH10 - Housing Within Smaller Settlements

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

Policy H6 - Housing in Smaller Settlements  
 Policy S2 - Development Requirements

### 3. Planning History

- 3.1 DCCW2003/3682/O Site for erection of two houses. Refused 2nd February, 2004.
- 3.2 DCCW2004/1256/O Erection of single dwelling. Refused 28th May, 2004.  
Appeal allowed 7th June, 2005.

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 Welsh Water recommends conditions.

#### Internal Council Advice

- 4.2 Traffic Manager recommends conditions.
- 4.3 Public Rights of Way Manager raises no objection.

### 5. Representations

- 5.1 Stretton Sugwas Parish Council - "As the new dwellings will access Sugwas Pool Lane, which has a very poor access to the A438 on a nearly blind bend, already the scene of two road deaths and many lesser accidents, the increase in vehicles using Sugwas Pool Lane as a result of more development along it will not be agreeable until the junction with the A438 is greatly improved."
- 5.2 Kenchester Parish Council (Adjoining) - no comment.
- 5.3 Two letters of objection have been received from Mr. & Mrs. Wintour, Sugwas Pool House, Swainshill, Hereford and Mr. & Mrs. F. Pawsey, Westview, Sugwas Pool, Swainshill, Hereford. The main planning points raised are:
1. The sewerage system is not capable of servicing the site.
  2. There will be extra traffic which will cause damage to the surface of the lane, the repair of which has been paid for by residents.
  3. The entry and exit of the lane onto the A438 road is dangerous and this proposal will increase traffic.

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

### 6. Officers Appraisal

- 6.1 The majority of this site was subject of a planning appeal earlier this year where the appointed Inspector was satisfied that the development of the site for one dwelling would not have an unacceptable effect on the character and appearance of the rural area and would not conflict with Policy SH10 of the South Herefordshire District Local Plan. In reaching this conclusion he was satisfied that the mature hedging on the boundaries screen the site and that it related well to the existing settlement.



- 6.2 He also commented that the addition of one additional dwelling would not significantly harm highway safety. It is therefore from this basis that the application has to be assessed.
- 6.3 The western boundary will still contain a mature hedge that provides the screening from the open countryside to settlement contained therein. Dwellings adjoin all other boundaries. It is therefore considered that the use of the additional land within the garden to provide space for two dwellings is acceptable and will not harm the character and appearance of the area.
- 6.4 Members will also note that the Traffic Manager has raised no objections and that Welsh Water also raise no objections subject to conditions requiring separate discharge of foul and surface water.
- 6.5 In reaching this recommendation careful regard has been had to the refusal of application no. DCCW2003/3682/O for two dwellings. The main reason for refusal related to the impact of residential development on the rural character and appearance of the locality. Whilst this particular decision was not appealed, it is considered that the findings of the Inspector in the related appeal are such that a refusal on the grounds of the visual impact would not be warranted in this case.
- 6.6 Accordingly, the proposal is considered to comply with the requirements of Policy SH10 of the South Herefordshire District Local Plan. A copy of the previous appeal decision is attached as an appendix to this report for information.

## **RECOMMENDATION**

**That outline 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. **F16 (Restriction of hours during construction).**  
**Reason: To protect the amenity of local residents.**

6. F22 (No surface water to public sewer).

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

7. 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.

8. G08 (Retention of trees/hedgerows (outline applications)).

Reason: To safeguard the amenity of the area.

**Informatives:**

1. HN23 - Vehicular use of public rights of way.

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

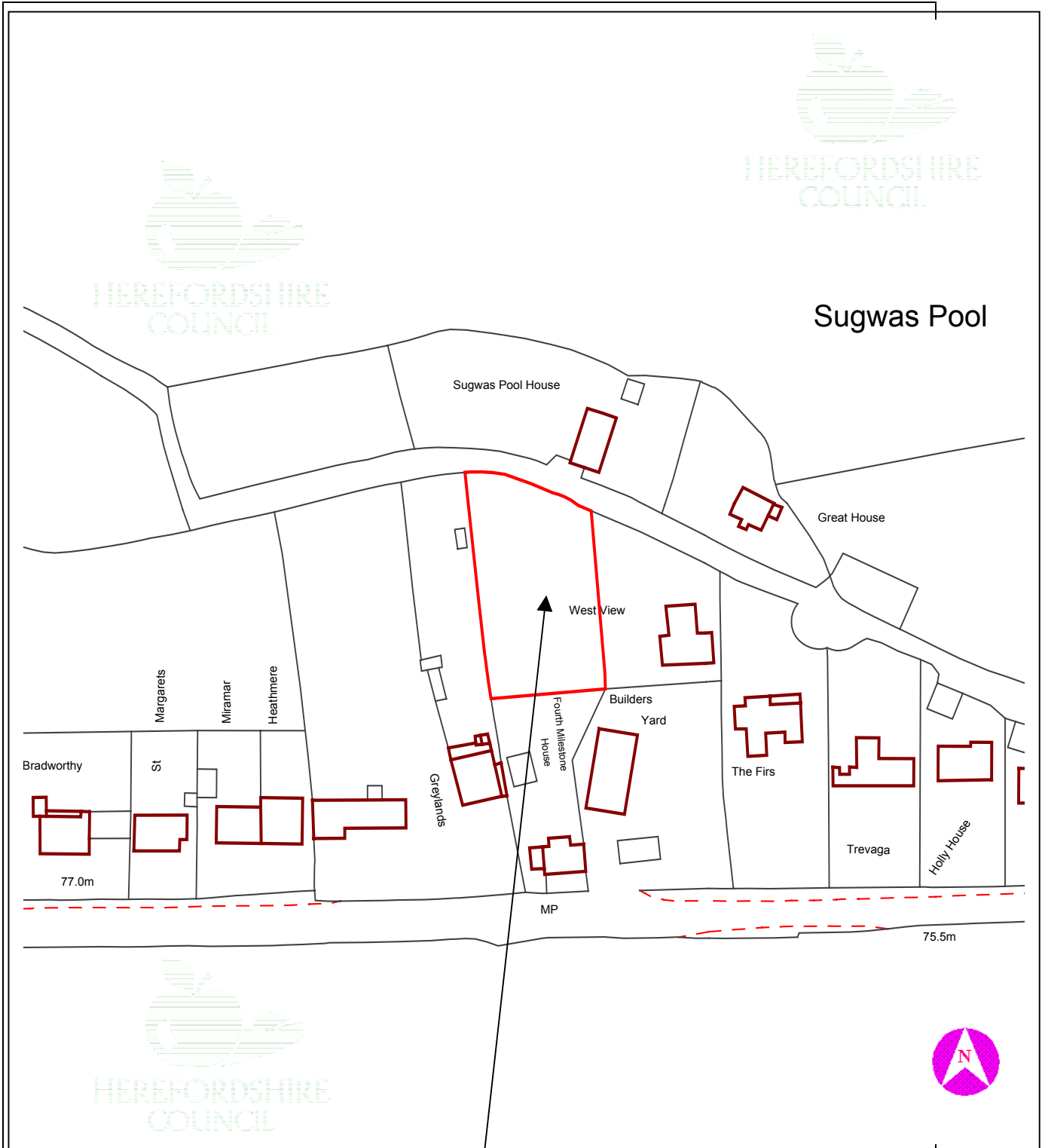
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCW2005/2176/O

**SCALE :** 1 : 1250

**SITE ADDRESS :** Land Adjacent to Fourth Milestone House, Swainshill, Hereford, HR4 7QE

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# APPENDIX

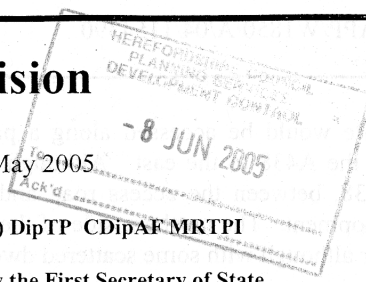


## Appeal Decision

Site visit made on 12 May 2005

by **K Nield** BSc(Econ) DipTP CDipAF MRTPI

an Inspector appointed by the First Secretary of State



The Planning Inspectorate  
4/09 Kite Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN  
☎ 0117 372 6372  
e-mail: enquiries@planning-  
inspectorate.gsi.gov.uk

Date

**07 JUN 2005**

**Appeal Ref: APP/W1850/A/04/1154390**

**Land adjacent to Fourth Milestone House, Swainshill, Hereford, HR4 7QE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr and Mrs C A Thomson against the decision of Herefordshire Council.
- The application ref: DCCW2004/1256/O, dated 1 April 2004, was refused by notice dated 28 May 2004.
- The development proposed is described as new private dwelling.

**Summary of Decision: The appeal is allowed subject to conditions set out in the Formal Decision below.**

### Preliminary Matters

1. The application is in outline with only the means of access to be considered at this stage. External appearance, siting, design and landscaping are reserved for future consideration.

### Main Issue

2. I consider that the main issue in this appeal is the effect of the proposed development on the character and appearance of the locality.

### Planning Policy

3. The development plan includes the Hereford and Worcester County Structure Plan and the South Herefordshire District Local Plan (SHDLP).
4. Consistent with the framework of the Structure Plan, SHDLP policy SH.10 states that planning permission will be granted for small scale housing development within the smaller settlements provided that a number of specified criteria are met. Amongst other matters the criteria require that the scale and character of proposed development should be appropriate to the location and would not adversely alter the character of the location or encourage additional development to take place where this would lead to undesirable changes. Criterion vii) requires development to be contained within existing physical boundaries without significant loss of trees or open space of amenity value. It is also a requirement of the policy that it can be demonstrated that the proposed development would help satisfy local housing requirements and would be sustainable in terms of reducing the need to travel by car.

### Reasons

5. The appeal site comprises part of the rear garden area to Fourth Milestone House. The parties agree that the site lies within the settlement of Swainshill and that the settlement forms one of the smaller settlements to which SHDLP policy SH.10 applies.

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Appeal Decision APP/W1850/A/04/1154390

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6. The appeal site would be accessed along a partly unmade private road leading from its junction with the A438 to the east. Although Swainshill is essentially a linear settlement along the A438, between the access road and the A438 there is a significant degree of housing development. The northern side of the access road, however, has a more open and rural character although with some scattered dwellings.
7. The boundaries of the plot are reasonably well defined. There is a mature hedgerow along the common boundary with West View to the east and ranch style fencing along the southern boundary with Fourth Milestone House. The existing screening restricts public views into the site and in my opinion the visual impact of the proposed development would be limited. It is indicated that the appellants would retain a strip of land along the west side of the plot and introduce additional tree planting as a further screen.
8. The appeal site is part of the garden area to Fourth Milestone House and has residential development to the south and east and there is a residential property sited on the northern side of the access road opposite the appeal plot. To the west of the appeal plot the land has a more rural quality and forms more of a transition of the settlement with the countryside than does the appeal site. I consider, in consequence, that the character of the plot relates well to the remainder of the settlement and I do not consider that there is conflict with criterion i) of SHDLP policy SH.10. In addition I do not consider that the proposal would conflict with criterion v) of SHDLP policy SH.10 in that it would not adversely affect the character of the location or encourage undesirable further development to take place having regard to the particular circumstances of the site.
9. I conclude on the main issue that the proposed development would not have an unacceptable effect on the character and appearance of the rural locality and would not conflict with relevant aspects of SHDLP policy SH.10.

## **Other Matters**

10. Although no information was provided at the time of the application in respect of local housing need, the appellants have redressed that within the appeal documentation to an extent with the provision of a letter from a local estate agent indicating the reasonably high level of demand from purchasers for plots and dwellings in the locality. The evidence provided is sufficient, in my view, to meet the requirement of the policy in this case.
11. I noted that Swainshill was on a public transport route from Hereford to Brecon with a bus service. Although I am not provided with evidence as to the frequency of bus services I am satisfied that the development of only one unit within this designated settlement would not in itself be unsustainable or conflict with SHDLP policy SH.10 on this matter.
12. I have noted the objection of the Parish Council and several local residents in respect of the junction of the access road with the A438 and the standard of the access lane. I do not, however, consider that the development of an additional dwelling having access from the lane would have a significantly harmful effect on highway safety and I note in this respect that no objections to the proposed development were received from the local highway authority.

## **Conclusion**

14. For the reasons given above, and having regard to all other matters raised, I conclude that

# APPENDIX

Appeal Decision APP/W1850/A/04/1154390

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the appeal should be allowed.

## Conditions

15. In addition to the statutory time condition the Council has suggested conditions to secure details of the reserved matters and for those to be approved in writing before any development is commenced. I accept that such conditions are necessary to ensure proper planning control over the development and I shall impose them.

## Formal Decision

16. I allow the appeal and grant planning permission for a new private dwelling at land adjacent to Fourth Milestone House, Swainshill, Hereford, Herefordshire, HR4 7QE in accordance with the terms of the application (Ref DCCW2004/1256/O) dated 1 April 2004 and plans submitted therewith subject to the following conditions:
  1. Approval of the details of the siting, design and external appearance of the building, and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.
  2. Plans and particulars of the reserved matters referred to in condition 1 above, relating to the siting, design and external appearance of the building, and the landscaping of the site shall be submitted in writing to the local planning authority and shall be carried out as approved.
  3. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of 3 years from the date of this permission.
  4. The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last reserved matters to be approved, whichever is the later.

*Kevin Hart*

INSPECTOR





**7 DCCW2004/0394/M - VARIATION OF CONDITIONS 4, 12, 14, 19, 22, 23, 26 & 27 ON PP REF CW2001/0769/M - FOR THE EXTRACTION OF SAND AND GRAVEL AT PART OF O.S. PARCEL 2980, UPPER LYDE GRAVEL PIT, UPPER LYDE, HEREFORDSHIRE**

**For: Hussar Minerals per Mrs. G. Pawson, Mill House, East Haddon, Northants, NN6 8DU**

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

**Ward: Burghill,  
Holmer & Lyde**

**Grid Ref: 49264, 44777**

**Expiry Date: 7th April, 2004**

Local Member: Councillor Mrs. S.J. Robertson

**1. Site Description and Proposal**

1.1 The site is about 2½ kilometres north of Hereford and 1½ and a half kilometres southwest of Moreton-on-Lugg, roughly rectangular, about 180 metres x 130 metres on its longest sides. About one quarter of the site has been excavated and part has been infilled with agricultural waste under Permitted Development Rights. It is fairly flat and is part of a large block of farmland enclosed by the A4110, Moreton Road and Bewdley Bank on which about 31 houses are situated. The nearest houses are Windrush, Fayre View and Braemar. The garden boundaries of which would be about 50 metres north of the proposed excavation boundary.

1.2 Planning permission was originally given in 1965 for the extraction of sand and gravel and subsequent infilling of the site. The planning permission was designated Dormant under the terms of the Environment Act 1995 and the permission "modernised" in 2001. Working is restricted to Agricultural Permitted Development Rights until the schemes prescribed under the new conditions have been agreed. The application is to vary some of the conditions on that permission specifically.

- Condition 4 to allow the site to be reclaimed to nature conservation rather than to agricultural land and nature conservation, as currently required;
- Condition 12 iv) to allow soils to be removed from the site, to allow specified habitats to be created;
- Condition 12 vi) to allow excavation below the water table, in order to construct a pond;
- Condition 12 ix) to allow the existing material tipped within the site to be retained and used in the reclamation of the site;
- Condition 14 i) to delete proposals to plant shrubs along the north boundary of the site if local residents require and to create a temporary soil mound instead;
- Condition 14 iii) to revise the timing of the submission of final planting schemes;

- Condition 18 to vary the working programme particularly the direction of working;
- Condition 22 to vary the reclamation of the site from infilling to a level field fit for agricultural use, to the creation of a nature reserve using only materials currently on site;
- Condition 23 to delete a condition requiring the final agricultural surface to be deep ripped.
- Condition 26 to allow excavation below the sand and gravel deposit to provide clay for the construction of the pond.
- Condition 27 changing the time by which an aftercare scheme must be submitted to not later than the completion of extraction.

1.3 Members held a formal site inspection on 12th September, 2005.

## 2. Policies

2.1 Human Rights Act:

- |     |       |   |  |
|-----|-------|---|--|
| 2.2 | MPS2  | - | Mineral Planning Applications etc.             |
|     | MPG5  | - | Stability in Surface Mineral Workings and Tips |
|     | MPG11 | - | Noise at Mineral Workings                      |

2.3 Hereford & Worcester Structure Plan:

- |              |   |                                |
|--------------|---|--------------------------------|
| Policy M4    | - | DC Considerations              |
| Policy CTC12 | - | Creation of Sites for Wildlife |
| Policy CTC16 | - | Tree Planting                  |

2.4 Minerals Local Plan:

- |           |   |   |
|-----------|---|---|
| Policy 9  | - | Restoration by Infill                   |
| Policy 11 | - | Reclamation of Sites                    |
| Policy 12 | - | Restoration to Agriculture              |
| Policy 14 | - | Restoration to Nature Conservation etc. |
| Policy 15 | - | Maintenance of Environmental Standards  |

2.5 South Herefordshire District Local Plan:

- |            |   |   |
|------------|---|---|
| Policy GD1 | - | General Development Criteria                            |
| Policy C11 | - | Protection of Best Agricultural Land                    |
| Policy C13 | - | Protection of Local Nature Conservation Sites           |
| Policy C15 | - | Creation of New Sites of Nature Conservation Importance |
| Policy C16 | - | Protection of Species                                   |
| Policy C17 | - | Trees/management  |
| Policy C34 | - | Archaeology   |
| Policy C40 | - | Provision of Services                                   |
| Policy C46 | - | Water Extraction  |
| Policy C47 | - | Pollution   |
| Policy ED6 | - | Employment in the Countryside                           |
| Policy P2  | - | Environmental Improvements                              |

## 2.6 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S9	-	Minerals
Policy S10	-	Waste
Policy DR4	-	Environment
Policy DR6	-	Water Resources
Policy DR11	-	Soil Quality
Policy LA2	-	Landscape Character
Policy NC1	-	Biodiversity
Policy NC4	-	Sites of Local Importance
Policy NC8	-	Habitat Creation
Policy NC9	-	Management of Landscape
Policy W2	-	New Landfill Sites
Policy W8	-	Waste Disposal for Land Improvement
Policy M7	-	Reclamation of Mineral Workings

**3. Planning History**

- 3.1 Herefordshire County Council, Code 20190 - Extraction of sand and gravel (and reclamation by infilling) granted 1st December, 1965.
- 3.2 CW2001/0769/M Imposition of new conditions and deletion of original conditions; determined under the terms of the Environment Act 1965, granted 15th August, 2001.

**4. Consultation Summary**Statutory Consultations

- 4.1 Environment Agency (after an exchange of correspondence with the Council and the applicant and the submission of further information):
- On the understanding that no imported material will be used to reclaim the site and on the basis of the Hafren Water Report of 22nd April 2005, have no objection to the proposed variation of conditions and recommend that a scheme of monitoring and mitigation as outlined in the Hafren Water Report be followed.
- 4.2 Highways Agency do not wish to comment.
- 4.3 Network Rail have no objection.
- 4.4 Herefordshire Nature Trust generally support the proposals, particularly to create lowland heath but question whether it will emerge from historic seed survival or would not revert to scrub; propose monitoring and a fall back plan, recommend particular care to protect sand martins on site and reserve final comment until they have final restoration proposals.
- 4.5 CPRE - no response.
- 4.6 Hyder - no response.
- 4.7 RIGS Group (Earth Heritage Trust) orally, support the retention of faces as a potential RIGS (Regionally Important Geological and Geomorphological Site).

## 5. Representations

- 5.1 Pipe and Lyde Parish Council remain opposed to the principle of re-opening the gravel pit. With regard to the specific variations in conditions, object to the proposed changes to Conditions 4, 12 iv), 12 vi), 12 ix) and 26. Note that the changes proposed to Conditions 18, 22, 23 and 27 would as a corollary need to be amended. Support the proposed change to Condition 14 but wish the proposed bund to be extended to screen properties to the southwest.
- 5.2 In conclusion they cannot see the need for working this site of relatively poor gravel, with the consequent traffic dangers when there are two much larger sites nearby with far better access to the A49 and the railway.
- 5.3 Burghill Parish Council have no objections in principle to the variations proposed but are sympathetic to the views of Pipe and Lyde Parish Council.
- 5.4 Moreton-on-Lugg Parish Council objected to the original application (to reactivate the site) and have concerns about the risk to children, need for ongoing stewardship or suitable boundary fencing; that the high sides proposed are suitable for sand martins but a potential falling hazard for people; the effects additional lorry traffic will have; support encouraging wildlife areas but have concern about the time it will take wildlife to return to the site.
- 5.5 Letters of objection have been received from:
- Mr. A.W.C. Morris, Windrush, Portway, HR4 8NF (two letters).
  - Mr. E. Hayes, Bewdley House, Canon Pyon Road, HR4 7SQ.
  - Mr. M.J. Buffey, Pepperplock, Bewdley Bank, HR4 7SQ.
  - Anne Wilding, Fayre View, Portway, HR4 8NF.
  - E.E. Wilding, Fayre View, Portway, HR4 8NF.
  - D. Matthews, Springfield, Upper Lyde, HR4 8AF.

The main points of objection being:

- the lack of need for 'postage stamp' conservation areas
- adverse effects on local countryside features
- creation of a permanent scar
- loss of agricultural land
- creation of a lake as irrational, ill considered, with risks to ground water, water supplies, land and property stability, children and to pets and wildlife from algae formation
- risk of flash flooding
- the unsuitability and polluting nature of existing material on site
- question the expertise of the Herefordshire Nature Trust and request further consultation on the proposed planting
- question the safety and location of the proposed haul roads and request further noise attenuation bunds
- concerns about the stability of the final landform
- location, depth and design of the pond
- maintenance of the site
- need for further details earlier than proposed in the application
- preference for infilling
- need for Environmental Impact Assessment
- request the permission be revoked

- that the application is not in the interest of local people
  - adverse effects on Human Rights.
- 5.6 Support is expressed in two letters for the creation of a temporary bund (proposed variation to Condition 14) in preference to tree planting.

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**

### Background

- 6.1 Members should be aware that planning permission for the extraction of sand and gravel from the site exists by virtue of the original (1965) planning permission. Powers exist to revoke, modify, discontinue, prohibit and/or suspend planning permissions, subject to the payment of compensation. Members discussed these issues at the time of the Review of Old Minerals Permissions (ROMP) in 2001 and decided not to pursue them. It is open to the Council to pursue these at any time but Officers do not recommend this in view of the likelihood of very significant compensation costs.
- 6.2 If Members wished to pursue these options, Officers advice is that this report should be withdrawn pending further legal procedural and financial advice being obtained.

### Restoration to Low Level

- 6.3 The application before Members is to vary a number of conditions. These all need to be addressed but the essence of the proposal is that the reclamation of the site should be varied. If permission were to be granted to vary Conditions 4, 19 and 22 to allow this, the variations to the other conditions relate to matters of detail which need to be considered in consequence. The existing permission is to infill the site with imported, inert construction and demolition waste and restore it to agriculture. The proposal is to vary this such that no material would be imported and to remodel the excavation using only indigenous materials. This would leave the site low level as a nature reserve with a pond, steep sides and an access ramp. The restored quarry floor would then shelve gently down to a kidney shaped pond c50 metres x 50 metres along its largest sides and about 0.5 metres deep. The final excavation would then vary between 4 metres and 8 metres deeper than adjoining land.
- 6.4 Officers consider that the proposal to restore the site using only indigenous materials would mean that some 320,000 tonnes of material would no longer need to be imported into the site. This would avoid at least 15,000 lorry movements in and the same number out of the site. Given the generally unsuitable nature of the Moreton Road and the local peoples' considerable and entirely understandable fears of heavy lorries on this road, Officers consider this very desirable. The corollary would however be that mineral working would leave a large excavation with steep sides. The applicant's proposal to soften this by partly infilling the site with indigenous materials would still leave a significant hole. In general terms this is not in accordance with the landscape character of the area. The worst effects of the proposal would however at least be slightly mitigated by the fact that the excavation is on high ground, is not overlooked and would not be detectable from any public viewpoint.

- 6.5 Members should be aware however that the Council's discretion regarding the infilling is limited. Infilling the final excavation up to adjoining levels would probably need a Waste Disposal Licence from the Environment Agency which is difficult to obtain, requires the operator to have special (WAMITAB) qualifications and to pay substantial costs. It might also be difficult in functional terms for the operator to demonstrate that the fill material was satisfactory and would not affect the aquifer and adjoining private water supplies. The Environment Agency have only withdrawn their objection because the proposal has been revised to exclude any element of imported fill. In practice it would be extremely difficult to enforce conditions requiring the site to be infilled particularly because landfilling is not the BPEO for this waste stream. Officers' advice is therefore that for several reasons they consider the proposed low level restoration preferable and more realistic than the current restoration proposal. They recommend therefore that in principle the proposal to vary Conditions 4, 19, 22 and 23 should be granted. Officers have some concern about the proposed variation to Condition 12 iv) to allow topsoil to be sold. If permission for the general proposal for restoration to low level were to be granted they would recommend that the proposed variation to Condition 12 iv) should be refused and these materials used for infilling, thereby reducing slightly the depth of the excavation.

#### Nature Conservation Issues

- 6.6 In principle, Officers welcome the proposed restoration to a nature conservation use. Although not large the site is big enough to make a useful refuge. The features proposed are inherently desirable and would be a useful contribution to the County Biodiversity Action Plan site and species targets and the Head of Conservation and the Nature Conservation Trust support the concept. Both however express concern about whether some of the elements proposed are realistic. The natural regeneration of lowland heath is considered unlikely and the site would need considerable maintenance to prevent scrub regeneration. This would itself create worthwhile habitat, albeit not as valuable as those proposed and would be worth having in its own right. Officers' advice is therefore that if permission is granted, conditions should be imposed to require more detailed proposals so as to maximise the biodiversity value of the site.

#### Pond

- 6.7 The application includes proposed variations to Condition 12 vi) to allow excavation to below the water table to create a pond and to Condition 26 to generate clay to line the proposed pond. In principle Officers welcome the proposed pond and the very large area of pond margin proposed (20 metres at its widest) to allow moisture loving plants to grow within a seasonally fluctuating water table. These could be valuable habitats for a wide range of species.
- 6.8 The submission indicates a pond depth of about half a metre and it should not be necessary to go much deeper. The water table would be an average of 0.75 metres above the final excavation depth in the north of the site and below final ground level in the south. The applicant's consultants estimate a seasonal water fluctuation of a maximum of 1 metre. The water should therefore never be very deep and at its maximum should only cover one eighth of the site, half of which would be shallow, seasonal flooding. Officers do not consider these would be any risk to adjoining properties from the pond. If permission were to be granted, Officers recommend that conditions should be imposed to limit the maximum depth of extraction for clay production (i.e. below the sand and gravel into the underlying Raglan Mudstone) to 1

metre and for the pond to be designed so that any such excavations are well away from the edges to make it impossible for anyone to accidentally wade into deep water.

#### Hazards

- 6.9 The site is already partly worked out and 4-6 metre high faces already exist and have done so for a very long time. Officers have monitored the site since 1990 and have found the excavation faces to be very stable, in spite of their near vertical steepness. Local people's concerns about the possible risks are understandable but Members should be aware that the site is on private ground to which there is no public right of access. It has to be fenced (and is currently) under the Quarry Regulations and would incorporate a vehicular access ramp. The site is already bounded with a hedge on (most of) two sides and the proposal is to make this a 3 metre wide belt of blackthorn to prevent access. The County Landscape Architect has reservations about the visual impact of extending this hedge around all four sides of the excavation but this could be imposed by condition. On balance Officers recommend this.
- 6.10 The exposures which would be left would however be valuable in themselves. A photograph of them is, for example included in the British Geological Survey Report "Geology of the Country between Hereford and Leominster." The site is very likely indeed to be designated a RIGS site (Regionally Important Geological and Geomorphological Site) and the existing permission already requires a significant exposure to be retained in anticipation of this. The exposures are also valuable as sand martin nesting sites and if permission is granted Officers recommend that a condition should be imposed to retain some of the faces and enhance their value for sand martins.

#### Existing Tipped Material

- 6.11 The site is already partly tipped with agricultural wastes under Permitted Development Rights. Officers' own site investigations in the past confirm objectors' assertions that this is a mixture of material, some of which is probably unsuitable as fill because it could contaminate the aquifer. If permission were to be granted for the basic proposal to allow the site to be restored to low level, Officers recommend that conditions be imposed requiring the existing material on site to be sorted and all man made and or putrescible materials to be removed and disposed of off site. Although therefore Officers recommend that Condition 12 ix) be varied they do not recommend that the variation proposed by the applicant should be permitted.

#### Protection of Local Peoples' Residential Amenities

- 6.12 The current Condition 14 requires a block of native shrubs at least 10 metres wide to be planted along the northern boundary of the site. Local people have made it clear at a site meeting that the loss of the view this would cause in the long term would be undesirable. The application is to vary this to create a temporary soil mound instead. Some objectors have written in support of this. Officers consider that it would protect nearby residents from noise from the site and have no objection to it.

#### Timing of Final Details

- 6.13 The current Condition 14 iii) refers to details of the final planting to be undertaken on the reclamation of the site. The proposal is to vary this condition to clarify that it only refers to planting outside of the excavated area. Officers have no objection to this or

the proposal to vary Condition 27 to change the date when an aftercare scheme should be submitted.

- 6.14 Since the original planning permission was issued a number of other conditions have been complied with, one has been found to be ambiguous, (No. 39) and one rendered unacceptable by subsequent legal decisions (No. 2). If permission for this application were to be granted it would be appropriate to update these and revised conditions are proposed.

#### Summary

- 6.15 The basic proposal made here is to change the proposed reclamation of the site from infilling to original levels for an agricultural use to leaving the site low level with a pond, retaining most of the excavated faces, for a nature conservation use. The process necessitates changes to eleven conditions but is relatively simple. Officers advice is that the existing reclamation is probably unrealistic.
- 6.16 Members should be aware that the value of the sand and gravel on site is low and because of the difficulties of processing it on site (because of lack of water and lack of space) and would have to be sold 'as dug' i.e. at an even lower price. Infilling the site would once have been profitable and easy. The impact of the Landfill Tax, need for qualified operators and technical difficulties relating to the need to protect the aquifer presumably now make it unattractive and Officers consider it very significant that this, potentially the most profitable part of the proposal is now being given up.
- 6.17 The proposed variation to a lower level restoration is probably therefore the best that can be achieved and the proposed nature conservation use probably the most realistic after use. Officers would recommend changes of wording to those proposed by the applicant to reflect current best practice and to other conditions on the permission but otherwise support the proposal.

#### **RECOMMENDATION**

- 1) **That planning permission be granted to delete Conditions 4, 12 vi, ix, 14 i, iii, 19, 22, 23, 26 and 27 of permission CW2001/0769/M subject to the imposition of the following substitute conditions:**
4. **All mineral extraction shall cease and the site reclaimed for the purposes of nature conservation and all buildings, structures, plant, machinery, foundations, hardstandings, stockpiles and materials associated with or arising from the use of the site in connection with the development hereby permitted shall be removed from the site within 12 years of the date of the permission hereby granted.**
12. **No soil shall be stripped unless and until a working scheme for the development hereby permitted and a programme and illustrative plans and sections showing the scheme have been submitted to the local planning authority for their approval in writing. The submitted scheme shall specify: [clauses i to x unchanged other than as below]**
- 12ix) **That all tipped material shall be removed from the existing excavation and sorted into naturally occurring, non contaminating, non-putrescible materials which may be retained on site for deposit within the excavation, man made, non contaminating, non putrescible materials which shall only be deposited**



within the site with the written approval in advance of the local planning authority and putrescible or potentially contaminating materials, plastics, containers or other materials which might have adverse effects on the groundwater quality which shall be removed off site within 7 days of written notice to do so from the local planning authority. No pile of any material so formed shall be more than 1 (one) metre in height.

- 12vi) That no excavation shall be undertaken more than 1 metre below the water table and the depth of water at any point shall be demonstrated to the local planning authority within 7 days of any written request to do so from the local planning authority.
- 14i) Proposals for the creation of a temporary bund 4 metres high alongside the northern boundary of the permitted excavation area formed from soils stripped from the site and to be removed as part of the final reclamation of the site.
- 14iii) Details of the final planting to be undertaken outside of the boundary of the excavation on the reclamation of the site, including the provision of a solid block of Blackthorn at least 3 metres wide to be planted along the entire length of the top of the exposed quarry faces to be retained, apart from the access into the site.
- 14.A. Not later than 12 months after the approval in writing of all of the schemes required under Condition 12, proposals for the tree, shrub, herb, heath, aquatic and pond marginal planting to be undertaken to achieve the reclamation proposed in plan EAP2 and the numbers, sizes, species and seed mixtures and for works to be done to the faces of the site to maximise its value for sand martins and timetable proposed shall be submitted to the local planning authority for their approval. Planting shall be carried out in accordance with the approved scheme.

**Reason:** To ensure that the site can be reclaimed to a beneficial after use which maximises its potential benefit for nature conversation.

- 19. Soil stripping, excavation of minerals and reclamation shall take place progressively and in accordance with the directions shown on Plan EAP1.
- 22. The site shall be reclaimed to the contours and levels shown on Drawings EAP1, EAP3a and EAP3b except that on final completion of extraction the pond shall be remodelled to have gently shelving gradients throughout.
- 23. (To be deleted)
- 26. No excavation shall be undertaken below the sand and gravel deposit other than to provide clay to line the pond shown on plan EAP2.
- 27. No mineral shall be extracted from the southern half of the site as shown on plan EAP1 unless and until an aftercare scheme has been submitted to the local planning authority for their approval in writing. The submitted schemes shall specify:
  - i) The Biodiversity Action Plan species or groups of species which are to be fostered, and

- ii) Measures to monitor the success of the reclamation undertaken to date, and
- iii) That at least 5 annual reports assessing the success of the work undertaken to achieve i) and ii) above and means to improve that success shall be submitted to the local planning authority in writing after reclamation works have been completed or for the 5 years commencing 11 years from the ste of this permission, and
- iv) That the approved scheme will be carried out in full.

2a) That Condition 3 shall be deleted and the following substituted:

**“No further soil shall be stripped within the site unless and until 7 days notice of that stripping has been submitted to the local planning authority in writing.”**

**Condition 39 shall be deleted and the following revised wording substituted:**

**“The maximum number of lorry loads to and from the site for the purposes of removing materials from and/or importing materials to the site shall not exceed 11 (eleven) in any one working day and for the avoidance of doubt the maximum amount of materials which shall be transferred to and or from the site during one working day shall be 220 tonnes and a record of the registration number, size and time of every vehicle movement exporting and or importing material into the site shall be made each day the site is operational and such records shall be made available to the local planning authority within 5 working days of their request in writing.**

2b) That condition 2 shall be deleted.

3) That Officers named in the Scheme of Delegation to Officers be authorised to delete or amend any other conditions on the permission as necessary.

4) That the application to vary Condition 12 iv) to allow soils to be removed from the site shall be refused.

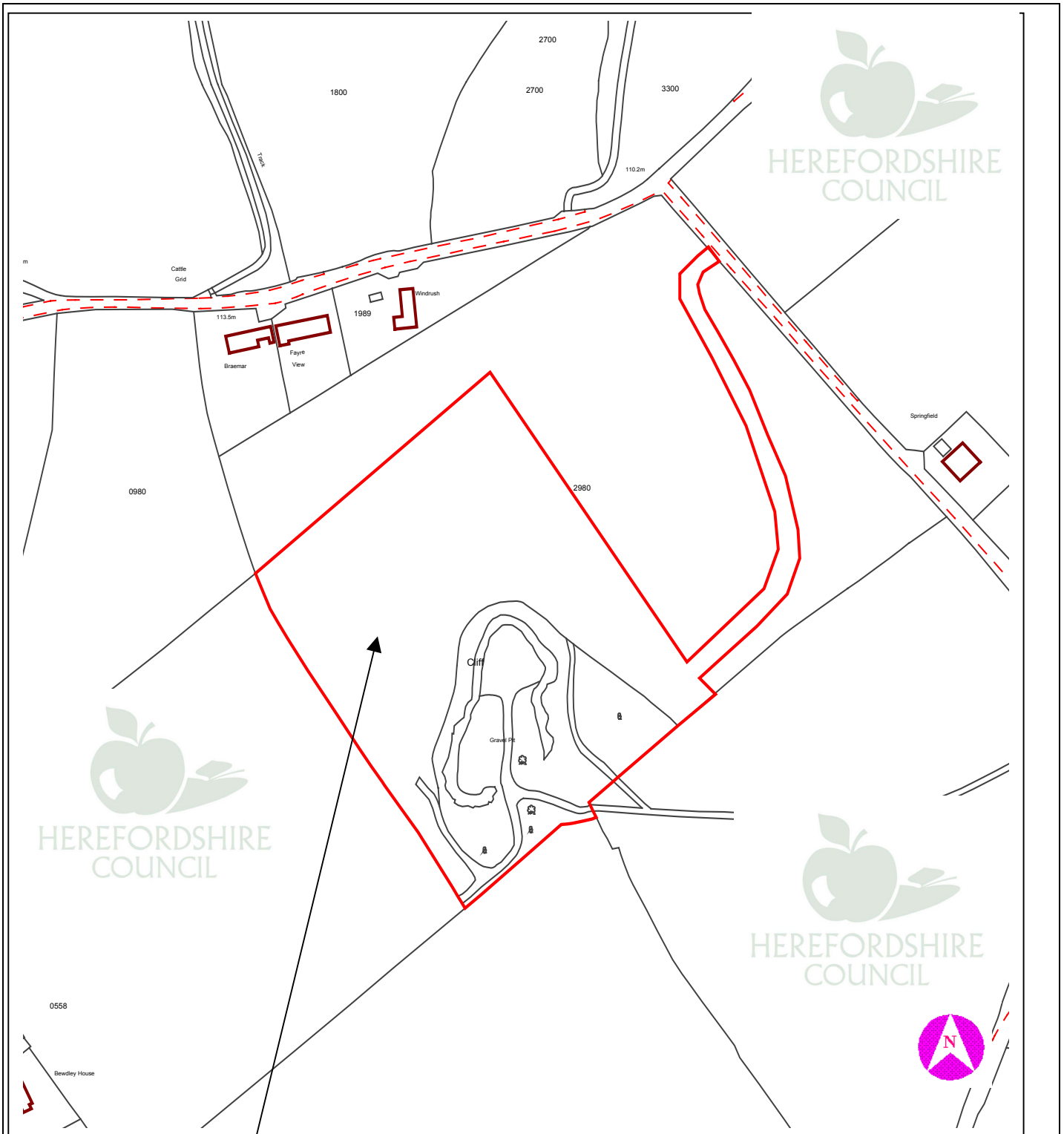
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies



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**APPLICATION NO:** DCCW2004/0394/M

**SCALE :** 1 : 2500

**SITE ADDRESS :** Part of O.S. parcel 2980, Upper Lyde Gravel Pit, Upper Lyde, Herefordshire

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**8 DCCW2004/0393/F - VARIATION OF CONDITION 6 ON CW2001/1427/F - WIDENING OF CARRIAGEWAY AND CONSTRUCTION OF 6 PASSING BAYS AT MORETON ROAD, UPPER LYDE, HEREFORD**

**For: Hussar Minerals per Mrs. G. Pawson, Mill House, East Haddon, Northants, NN6 8DU**

**Date Received: 11th February, 2004**    **Ward: Burghill, Holmer & Lyde**    **Grid Ref: 49737, 45198**

**Expiry Date: 7th April, 2004**

Local Member: Councillor Mrs. S.J. Robertson

**1. Site Description and Proposal**

1.1 The site is part of the C1103 (Moreton Road), Upper Lyde, between the A49 and its junction with the UC73007. The C1103 would provide access to the gravel pit at Upper Lyde if it re-opens. Planning permission was granted on 12th September, 2001 (reference CW2001/1427/F) to allow the C1103 to be widened and to construct six passing bays subject to eight conditions. The application is to vary the terms of Condition 6. That condition required the existing sections of hedge to be translocated. The proposal is to plant new sections of hedge rather than translocate the original. About 400 metres of a total length of 1 kilometre of hedge would be affected.

2.1 Members held a formal site inspection on 12th September, 2005.

**2. Policies**

2.1 Planning Policy Guidance:

PPG9            -        Planning and Nature Conservation  
PPG13          -        Planning and Transportation

2.2 Hereford and Worcester County Structure Plan:

Policy T5       -        To Reduce Environmental Intrusion

2.3 South Herefordshire District Local Plan:

Policy GD1     -        General Development Criteria  
Policy T1       -        Environmental Sustainability and Transport  
Policy T2       -        Environmental Impact

2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy P6       -        Protection and Enhancement of the Environment  
Policy P7       -        Protection and Enhancement of Environmental Assets  
Policy S2       -        Development Requirements  
Policy S6       -        Transport

Policy S7	-	Natural and Historic Heritage
Policy LA5	-	Protection of Trees, Woodland and Hedges
Policy LA6	-	Landscaping Schemes
Policy NC7	-	Compensation for Loss of Biodiversity
Policy HC9	-	Management of Features of Landscape Importance

### 3. Planning History

- 3.1 CW2001/1427/F Widening of carriageway and construction of six passing places. Granted 12th September, 2001.

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 Highways Agency - comment in response to residents' letters that the Agency has reached an agreed position relating to the junction between the C1102 and A49 and the management of vegetation.
- 4.2 In summary the management of vegetation at the junction with the A49 would be sufficient to meet their and the original planning permissions' requirements. They make no comment on the issue of translocation itself.

#### Internal Council Advice

- 4.3 Traffic Manager - no objection.

### 5. Representations

- 5.1 Pipe and Lyde Parish Council - remain concerned about the changes of increased use by heavy vehicles along this road; would have preferred the original condition but accept this may be impractical.
- 5.2 Burghill Parish Council - have no objections in principle and are sympathetic to the views of Lyde Parish Council.
- 5.3 Moreton Parish Council - ask that the Council note that they objected to the original proposal to widen the road, still maintain their concerns about heavy lorry use along it, consider that it is important that the wildlife and environmental aspects are being considered, that a new hedge will look good if maintained, find it hard to comment on alterations to a plan they objected to originally but consider the suggested methods for doing the work "to be okay."
- 5.4 Letters of objection have been received from:
- A.W.C. Morris, Windrush, Portway, Burghill, HR4 8NF.
  - Pamela Allen, Beulah, Moreton Road, Moreton-on-Lugg, HR4 8AG.
  - A. and E. Barrett, Mid Bank, Moreton Road.
  - E.J. Piercy, Ichthus College, Tall Trees, Moreton-on-Lugg, HR4 8AH.
  - H. Bufton, 3 Maiden Elms, Moreton on Lugg, HR4 8AG.
  - J. & C. Bishop, Greystones, Moreton-on-Lugg, HR4 8AG.
  - Mrs. J.E. Watkins, Fairfields, Moreton Road, Upper Lyde, HR4 8AG.
  - P. & J.E. Aldred, Lichfield, Moreton Road, Upper Lyde, HR4 8AG.

In summary, the points made are:

- unreasonable damage to the existing hedge
- the importance of the hedge under the Hedgerow Regulations
- the lack of respect to local issues
- increasing the risk to highway users
- loss of biodiversity, construction, layout and design.

- 5.5 Many more comments relate to effects from the increase in traffic use, rather than from those relating to the hedgerow itself notably; threats to public safety, damage to the highway surface, the effects of increases in speed along the road, effects on disamenity from heavy traffic, the possibility of alternative routes and on Human Rights.

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

## **6. Officers Appraisal**

- 6.1 Members will be aware that planning permission for sand and gravel extraction at Upper Lyde was originally granted in 1965 and “modernised” under the provisions of the Environment Act 1995 in 2001. Planning permission was also granted for the widening of the carriageway and construction of six passing bays along the road (Moreton Road) linking that site and the A49 on 12th September, 2001.
- 6.2 Condition 6 on that permission required, amongst other matters, that in summary, where sections of the existing hedge had to be removed to allow the carriageway to be widened, those sections should be translocated, subject to detailed controls. The proposal is to replant rather than translocate those sections of hedge. Proposals are included in the application to vary the wording of the condition to ensure that the existing distribution of species is reflected in the new planting, that the topsoil and hence, seedbank, from the affected section of hedge is retained, that the new planting is protected and failures made good.
- 6.3 The hedge itself is important for its ecological, historical and visual value. It marks a Parish boundary and is an intrinsic part of an ancient (i.e. pre 1845) hedgerow pattern. There is therefore a very strong case for protecting it. The issues were considered at length when the original application was originally considered. It was concluded then that, considered on its own merits, the original proposals to widen the highway and provide passing places would improve the Moreton Road for all users and that the gains in highway safety generated would outweigh the effects of minor alterations to the highway itself and to the hedge line and the character of the lane. Members should be aware that there are no reasons which would justify a different decision today. The permission then granted was on the basis that the sections of hedge to be removed should be translocated. The application is solely to vary this aspect of the proposal. Although local people’s concerns about the dangers of heavy traffic using the site are understandable, they can be given very little weight with regard to the specific application here.
- 6.4 So far as this specific application is concerned the Conservation Manager has no objection to the proposal and recognises that the original requirement to translocate the hedges was unlikely to succeed, given the thinness of the soil on site.

6.5 Officers consider that the species proposed are entirely appropriate, reflect the existing hedge and would retain its value under the terms of the Hedgerow Regulations. They would advise however that the proposed hedgerow trees should be planted as standards in order to reduce the possibility of them being damaged by hedge cutting. More frequent watering is also advised.

6.6 In conclusion, Officers recognise that the earlier condition was onerous and given the thinness of the soils and relatively exposed nature of the site unlikely to succeed. In the circumstances subject to the imposition of safeguards they do not consider that the proposal could be refused and successfully defended at Appeal.

**RECOMMENDATION**

**That planning permission be granted to delete Condition 6 of permission CW2001/1427/F subject to the imposition of the following condition:**

- 1. The development hereby permitted shall be carried out in all respects strictly in accordance with**
  - i) the Hedgerow Mitigation details set out in the Supporting Statement submitted with the application and received on 11th February, 2004 except that at least one hedgerow tree shall be planted as a standard within each of the sections of hedge to be replanted and provision shall be made to water these trees at least weekly in dry weather for the first year after their planting, and**
  - ii) the details set out on drawing nos. 03024/102 and 03024/103 received on 11th February, 2004.**

**Reason: To ensure adequate protection to existing trees and hedges which are to be retained, in the interests of the character and amenities of the area, in the interests of visual amenity and to ensure that hedges planted are ecologically and environmentally rich and to assist their permanent retention in the landscape in recognition of their historic and environmental value.**

**Informative:**

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

Decision: .....

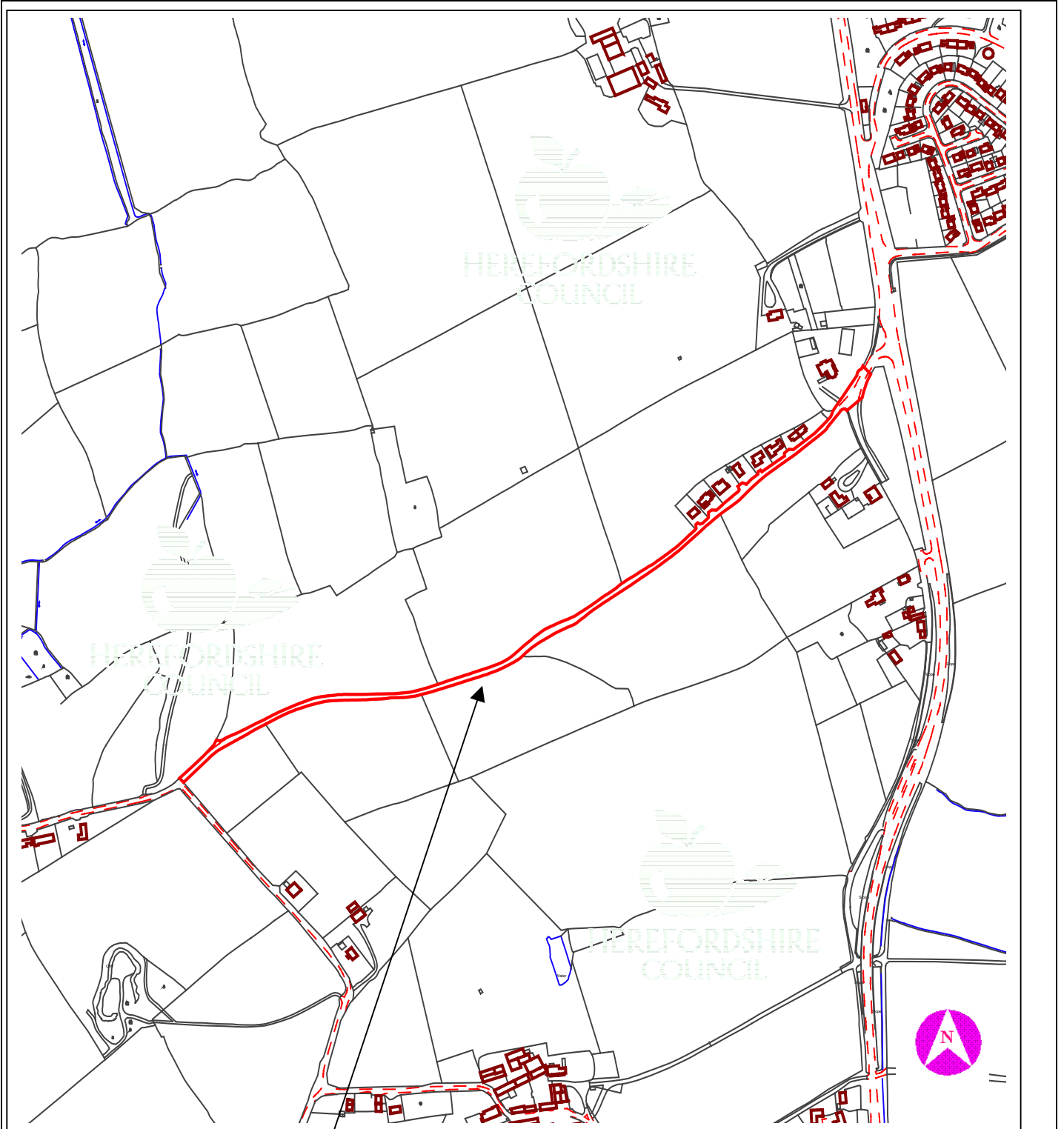
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**Background Papers**

Internal departmental consultation replies





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**APPLICATION NO:** DCCW2004/0393/F

**SCALE :** 1 : 6568

**SITE ADDRESS :** Moreton Road, Upper Lyde, Hereford.

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**9A DCCE2005/2356/F - CONSTRUCTION OF 16 NO. RESIDENTIAL UNITS, ASSOCIATED CARPARKING AND LANDSCAPING. CARFAX HOUSE SITE, AYLESTONE HILL, HEREFORD, HR1 1HX**

**For: I E Developments Ltd, Warren Benbow Architects,  
21 Mill Street, Kington, Herefordshire, HR5 3AL**

**9B DCCE2005/2330/C - DEMOLITION OF CARFAX HOUSE AND ASSOCIATED BUILDINGS, REPLACEMENT RESIDENTIAL DWELLINGS, CARFAX HOUSE SITE, AYLESTONE HILL, HEREFORD, HR1 1HX**

**For: I E Developments Ltd, Warren Benbow Architects,  
21 Mill Street, Kington, Herefordshire, HR5 3AL**

**Date Received: 18th July, 2005      Ward: Aylestone      Grid Ref: 52170, 40729**

**Expiry Date: 12th September, 2005**

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

**1. Site Description and Proposal**

- 1.1 These applications relate to a proposed development involving the demolition of Carfax House and Carfax Cottage, and the erection of 16 residential units with associated car parking and landscaping.
- 1.2 The application site is in a corner location on the junction between Aylestone Hill and Folly Lane. Carfax House is assessed to have an early 19<sup>th</sup> Century core which was extended and altered in the Victorian period and underwent remodelling during the 20<sup>th</sup> Century. The site is also home to Carfax Cottage, a red brick building of more modest scale located adjacent to Carfax House running down Aylestone Hill, as well as, three demountable structures. The site is located within the designated Aylestone Hill Conservation Area. Neither Carfax House, nor Carfax Cottage, are Listed Buildings. The last use of the site was for educational purposes in association with Hereford College of Technology. The site falls within the Established Residential Area as defined by both the Hereford City Local Plan and the emerging Herefordshire Unitary Development Plan (Revised Deposit Draft).
- 1.3 This proposal involves the erection of a four storey apartment building on the site of Carfax House (14 units total), and a three storey pair of townhouses in place of Carfax Cottage (two units total). The design concept of the proposed new development is contemporary and is characterised by the extensive use of glazing and white render. The existing demountable buildings will be removed and a parking area created, including garaging, refuse storage area, and covered cycle parking. The existing parking facilities found to the south of the site will be removed and additional open

space formed. The proposal also involves the stopping up two of the existing three access points with the access currently found between the House and Cottage enhanced to serve the proposed development. The existing site is notable for the fine trees currently found in situ.

## 2. Policies

### 2.1 Planning Policy Guidance:

PPS1	-	Delivering sustainable development
PPG3	-	Housing
PPS9	-	Nature Conservation
PPG13	-	Transport
PPG15	-	Planning and the historic environment
Circular 6/98	-	Planning and affordable housing
Circular 5/05	-	Planning obligations

### 2.2 Hereford Local Plan

ENV14	-	Design
ENV16	-	Alterations and extensions
H3	-	Design of new residential development
H6	-	Amenity open space provision to smaller schemes
H8	-	Affordable housing
H12	-	Established residential areas - character and amenity
H13	-	Established residential areas - loss of features
H14	-	Established residential areas - site factors
CON1	-	Preservation of buildings of architectural and historic interest
CON12	-	Conservation areas
CON13	-	Conservation areas - development proposals
CON16	-	Conservation area consent
CON17	-	Conservation area consent - condition
CON19	-	Townscape
CON20	-	Skyline
CON21	-	Protection of trees
CON22	-	Urban forestry management
CON23	-	Tree planting
NC6	-	Criteria for development proposals
NC8	-	Protected species
T5	-	Car parking - designated areas
T11	-	Pedestrian provision
T12	-	Cyclist provision

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

S1	-	Sustainable development
S2	-	Development requirements
S3	-	Housing
S4	-	Employment
S6	-	Transport
S7	-	Natural and historic heritage
DR1	-	Design
DR2	-	Land use and activity

DR3	-	Movement
DR4	-	Environment
DR5	-	Planning obligations
H1	-	Hereford and the market towns: settlement boundaries and established residential areas
H2	-	Hereford and the market towns: housing land allocations
H9	-	Affordable housing
H13	-	Sustainable residential design
H14	-	Re-using previously developed land and buildings
H15	-	Density
H16	-	Car parking
E5	-	Safeguarding employment land and buildings
T7	-	Cycling
T11	-	Parking provision
LA5	-	Protection of trees, woodlands and hedgerows
LA6	-	Landscaping schemes
NC1	-	Nature conservation: biodiversity and development
NC5	-	European and nationally protected species
NC6	-	Biodiversity action plan priority habitats and species
NC8	-	Habitat creation, restoration and enhancement
HBA6	-	New development within conservation areas
HBA7	-	Demolition of unlisted buildings within conservation areas
HBA8	-	Locally important buildings
HBA9	-	Protection of open areas and green spaces

### 3. Planning History

- 3.1 DCCE2004/0475/O Partial redevelopment of College Campus to provide new learning village. Approved 12th August, 2005.

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 Water Authority – No response received
- 4.2 Environment Agency – No objection raised

#### Internal Council Advice

- 4.3 Conservation Manager –

**Landscape and Trees:** The majority of the trees on the site are now protected by Tree Preservation Order 523. The reasons for making the order were that *'the trees identified within the order collectively contribute to the amenity and setting of Aylestone Hill Conservation Area, Aylestone Hill, Venns Lane and Folly Lane. The Council considers it expedient to protect the amenity of these trees as a precautionary matter in response to general development pressure'*. There are no objections to the proposed redevelopment of the site. The siting of the buildings has clearly been informed by information in the submitted Tree Survey & Pre-development Arboricultural Assessment. The new housing and car parking areas are sited largely on the existing footprint of built development and do not impinge on the nominal tree protection zones identified on the Tree Location Plan. The Yew tree (T35), which it is proposed to

remove, is identified in the survey as being of negligible value. The Arboricultural Consultant's assessment that the proposed removal of hardsurfacing and decompaction of the soil, from underneath the Atlas Cedar (T5), would be beneficial to the health of the tree and would enhance the landscape setting is concurred with. No objections subject to conditions.

**Conservation Area:** *'Carfax House would appear to have an early 19<sup>th</sup> Century core, which was later extended a number of times in the Victorian period and also underwent a number of remodelling during the 20<sup>th</sup> century. It is not considered to be of any particular architectural merit, is not worthy of listing and almost all the internal fittings of interest have been lost except the main staircase, which is clearly of a high quality.'*

*Within Conservation Areas we would recommend the retention and conversion of important historic buildings of local interest. However in this specific instance the number and quality of the extensions and alterations have severely compromised what may have at one time been an architecturally interesting building. They appear to have been added without any particular consideration for the composition of the original building. It would have been expected that the original building faced onto Aylestone Hill but with the extensions it would appear that an attempt was made to have the façade facing the grounds towards the college. Unfortunately this has not been as successful as would have been hoped as it appears that the needs of space and possibly cost outweighed any design consideration during this time. Internally the building has been almost completely gutted over time and there are no surviving features of interest apart from the principal staircase. In this case given a lack of architectural merit we would therefore consider whether the proposed new building would enhance the conservation area. We believe that the proposed building would enhance the character of the conservation area. The architecture relates and responds to its context of surrounding mansions in terms of scale/ mass and picks up the rhythm and pattern of the coach house - principal house to the Aylestone Hill façade. The design is contemporary, interesting and relates to the surroundings in contrast to Carfax House's mish-mash of competing styles which fails to relate to either Aylestone Hill or the planted grounds. Although the design appears to be challenging we would hope that having seen examples provided by the architect of similar schemes that this would provide an interesting juxtaposition within the streetscape, which would provide visual interest to the area. It would also be highlighted that this would be a low-density high quality contemporary development unlike other development schemes proposed for conservation areas. In our opinion the most important aspect of this site is the landscape rather than the building itself. This consists of a number of important mature trees to the south of the site and would therefore shield this building from views of Aylestone Hill. These trees would appear to be enhanced by the proposed scheme with the removal of the car park, which would increase the soft landscaped. We believe that this proposal would enhance the conservation area and therefore is acceptable. Materials subject to approval. A photographic recording of Carfax House and the Coach House should be deposited with the Herefordshire Council's SMR prior to work commencing. We would recommend the salvaging of the high quality stair case.'*

- 4.4 Traffic Manager – No objection subject to conditions. Recommended that planning contribution should be sought at £1500 per unit.

## **5. Representations**

- 5.1 Hereford City Parish Council –

DCCE2005/2356/F: *'Hereford City Council has considered this planning application and considers that the style of the proposed development is inappropriate to the location, being a gateway site to the city.'*

DCCE2005/2330/C: *'Hereford City Council has considered this application and cannot support the application'*

5.2 Conservation Area Panel – *'This panel deplored the loss of what had been a first class Victorian Manor House. To leave it in its present state would not be any help. Developers had done well to design the new property and parking within the existing footprint. Approve.'*

5.3 West Mercia Police – A comment has been received expressing concern over the proposed access point and suggesting that a new access located further north would be desirable.

5.4 Local Residents – Twelve letters of objection have been received against this proposal. The points raised can be summarised as follows:

1. Precise nature of the development is unclear;
2. The development does not fit in with the adjacent residential buildings;
3. Unacceptable impact upon highway network and junction;
4. Inadequate parking provision, existing parking area to the south should be retained;
5. Inappropriate location for affordable units;
6. Environmental pollution caused by vehicles;
7. Yew tree to be removed should be retained;
8. The development of this site with detached dwellings would be more appropriate;
9. Proposal is excessive in height;
10. Increase in vehicular movement;
11. Trees on site should be protected;
12. Design is inappropriate and unacceptable;
13. Site should be retained by the College;
14. Carfax House should be converted into flats;
15. Demolition of Listed Building within the Conservation Area;
16. Loss of locally important building;
17. Architectural styling proposed is inadequate;
18. Loss of lights and privacy;
19. Adverse impact upon the Conservation Area.

Reference was also made in a number of these letters to two letters printed in the Hereford Times.

5.5 A single letter of support has also been received raising the following points:

1. Development will provide good quality accommodation;
2. Existing buildings on site are unsightly and appear to be in a poor state of repair;
3. The building is not Listed as is claimed;
4. Development is thoughtful, taking great care of the environment and existing trees;
5. We will end up with more garden area than now;

6. The access/egress will be improved;
  7. This is an imaginative development.
- 5.6 The full text of these letters can be inspected at Central Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

## 6. Officers Appraisal

- 6.1 It is considered that the following issues represent the main considerations in these applications:
1. Principle of development;
  2. Density and affordable housing provision;
  3. Demolition of existing buildings;
  4. Design and scale;
  5. Residential amenities;
  6. Highway issues;
  7. Landscaping, trees, and ecology;
  8. Visual amenities and impact upon Conservation Area.

### Principle of Development

- 6.2 The application site was last used for educational purposes, however, the site falls within the defined Established Residential Area and as such it is considered that a residential use is not contrary to planning policy. Hereford City Local Plan Policies H14 and H13 advise that residential development within the Established Residential Area should resolve a number of issues relating to highways, amenities, design and layout, density, landscaping, visual impact, and impact upon the character and amenity of the area. This stance is echoed in Herefordshire Unitary Development Plan (Revised Deposit Draft). The property no longer forms part of the proposed College redevelopment as signified through its sale. On the basis of this it is considered that the fundamental principle of this development can be accepted with the acceptability or otherwise of this scheme dependent upon the details of this proposal.

### Density and Affordable Housing Provision

- 6.3 The proposal seeks permission for a development of 16 units on site in the region of half a hectare in size. This represents a density of approximately 32 dwellings to the hectare. PPG3 identifies 30 – 50 hectares as an appropriate density for development. This development is therefore at the lower end of this spectrum, however, having regard to the location of the site within a Conservation Area, as well as, in consideration of the generally low-density nature of the locality, the proposed density level is considered acceptable.
- 6.4 Turning to the provision of affordable housing on this site, this scheme does not currently propose an allocation of such a housing type. Herefordshire Unitary Development Plan (Revised Deposit Draft) Policy H9 states that a target of 35% affordable units will be required in developments for 15 dwellings or more. It is of note, however, that adopted planning policy contained within the Hereford City Local Plan states only that a reasonable mix of housing will be encouraged with affordable housing particularly encouraged. On the basis of this it is considered appropriate to turn to national guidance contained within PPG3 and Circular 6/98. National guidance advises that affordable housing in locations such as this should be provided for development on sites of 1 hectare or more, or 25 dwellings. In consideration of this,



and the current un-adopted nature of the emerging Herefordshire Unitary Development Plan, it is considered that the provision of no affordable element in this scheme is acceptable in this instance.

#### Demolition of Existing Buildings

- 6.5 A number of objections received commented on the unacceptability of the demolition of the existing buildings on site, and in particular, Carfax House itself. The first point to stress is that Carfax House is not a Listed Building (nor is Carfax Cottage) as has been suggested by some. Notwithstanding this, the application does involve the demolition of a prominent building within a Conservation Area. The Conservation Manager has fully investigated the buildings on site, both inside and out, and the conclusion reached was that the buildings are not worthy of Listing. Furthermore, the extent of the alterations made to Carfax House is such that the building is assessed as having no particular architectural interest. The Conservation Manager advises that within a Conservation Area the retention and conversion of historic buildings of local interest is recommended, however, this building is judged to have been severely compromised. In this instance it therefore considered that the demolition of the existing buildings on site can be supported subject to the proposed development being of a high standard of design.

#### Design and Scale

- 6.6 The proposed development is notable in its contemporary design approach. The apartment block and semi-detached pair are characterised by their cubic proportions which use large areas of glazing and white render to give a modern and crisp appearance. The upper level in both buildings is heavily glazed to reduce the apparent massing of the buildings and enhance the lightweight and contemporary feel. The Aylestone Hill Conservation Area is typified by large properties in large plots and this is considered to be reflected in this proposal. The scale of the proposals is such that the dominant on site feature will be the trees currently found on site, and this is considered to be an appropriate approach. The sizing of the proposal is considered acceptable having regard to the college buildings, hospital building, and aforementioned properties which typify this locality. The design is considered to be of a high standard that would enhance this site and will form a high quality gateway building of the standard requisite for this landmark location.

#### Residential Amenities

- 6.7 The sole direction of concern in relation to residential amenities is the North/Northeast where Aylestone Grange a modern suburban cul-de-sac development of residential properties is found. The proposed semi-detached pair have no large habitable openings of note in this direction and in relation to these neighbouring dwellings it is considered that the existing landscaping and the distances involved (35 metres between the apartment building and neighbours at the closest point) are adequate to ensure an acceptable relationship between these sites. The college buildings are 25 metres at their closest point which is considered more than adequate having regard to the use of this building. It is considered that the use of this site for residential purposes will not cause disruption or disturbance of residential amenities to an unacceptable degree beyond that of the previous use of this site for educational purposes.

Highway Issues

- 6.8 The application site is currently served by three access points. The proposal involves the stopping up of the two most southerly access points, with the third improved to provide the required visibility splay and access specifications. The Traffic Manager has evaluated the access and confirms that it is in accordance with highway safety requirements. It is considered that the access point identified for retention is the most appropriate and acceptable. 24 parking spaces will be provided on site, conforming to the 1.5 per unit requirement specified in the emerging Herefordshire Unitary Development Plan (Revised Deposit Draft). This ratio is considered appropriate having regard to the central location of this development site and the ready access to the main Hereford public transport interchanges at the bottom of Aylestone Hill. In relation to the intensity of use, the Traffic Manager has evaluated the existing and proposed vehicles movements and it has been concluded that no intensification of traffic will result from this proposal over the previous on site activities. The closure of the two accesses nearest the roundabout is seen as 'very beneficial'.
- 6.9 Notwithstanding the above, the Traffic Manager has requested a planning contribution of £1500 per unit. Particular mention has been made of the provision of a pedestrian crossing point. This is line with the draft guidance currently being developed by the Forward Planning Manager. The guidance currently advises that contributions should be sought, but refusal to provide one will not form grounds for refusal unless the lack of improvements to be funded from the contribution would make the overall development unacceptable in highway terms. It is therefore concluded that in this instance a contribution would be desirable, however, as the development represents an improvement of the existing on site situation through access enhancements and no intensification of vehicle movements, such a contribution cannot reasonably be insisted upon. It must be remembered that planning obligations are a method through which to secure improvement that will result in a development being acceptable when it would otherwise not be. The following is taken from Circular 05/2005 (bold as per original):

*'In dealing with planning applications, local planning authorities consider each on its merits and reach a decision based on whether the application accords with the relevant development plan, unless material considerations indicate otherwise. Where applications do not meet these requirements, they may be refused. However, in some instances, it may be possible to make acceptable development proposals which might otherwise be unacceptable, through the use of **planning conditions** (see Department of the Environment Circular 11/95) or, where this is not possible, through **planning obligations**. (Where there is a choice between imposing conditions and entering into a planning obligation, the imposition of a condition is preferable (see paragraph B51). **Planning obligations** (or "s106 agreements") are private agreements negotiated, usually in the context of planning applications, between local planning authorities and persons with an interest in a piece of land (or "developers"), and **intended to make acceptable development which would otherwise be unacceptable in planning terms**. Obligations can also be secured through unilateral undertakings by developers. For example, planning obligations might be used to **prescribe** the nature of a development (e.g. by requiring that a given proportion of housing is affordable); or to secure a contribution from a developer to **compensate** for loss or damage created by a development (e.g. loss of open space); or to **mitigate** a development's impact (e.g. through increased public transport provision). The outcome of all three of these uses of planning obligations should be that the proposed development concerned is made to accord with published local, regional or national planning policies.'*

This development will not otherwise be unacceptable in planning terms if the requested planning contribution is not secured, indeed it will represent an enhancement. Planning gain for highway improvements/works cannot therefore be reasonably insisted upon.

- 6.10 In this instance, however, in full knowledge of the above, the developer has volunteered a contribution of £500 per unit (total £8000) towards highway improvements, specifically towards the provision of a new pedestrian crossing point.

#### Landscaping, Trees, and Ecology

- 6.11 The County Arboriculturalist and Landscape Officers have been involved in this scheme from an early stage. This development site is particularly notable for the fine trees currently found. The presence of these trees informed the nature of this development from the earliest point and this is reflected in the fact that the majority of the trees on site are now protected by a Tree Preservation Order, as well as the fact that only a single tree on site (a Yew assessed by the County Arboriculturalist as being of negligible value) is to be removed. The development has taken careful regard of the valuable trees on site. As with the highway situation, it is considered that in relation to landscaping and trees this application represents an enhancement of the site. The existing parking area to the South of Carfax House is to be removed and re-landscaped and this will be beneficial to the health of the adjacent trees. The footprint of the new development is as currently found on site and the design concept is based around the maintenance of the existing trees on site as the dominant visual form. In relation to trees and landscaping on site it is therefore considered that this application represents an acceptable form of development, subject to conditions.

- 6.12 Turning to ecology, the potential for bats in Carfax House has been identified. As a protected species, the potential for bats has necessitated an ecological survey to ensure that this development has regard to this protected species and mitigates against any potential impact.

#### Visual Amenities and Impact Upon Conservation Area

- 6.13 Having regard to the comments relating to trees, landscaping, design and scale above, it is considered that this development represents an acceptable form of development within this designated Conservation Area that will not only preserve, but also enhance, the character and appearance of this area. It is recognised that the Aylestone Hill Conservation Area has some fine architecture and buildings of historical note, it is also the case that this site is flanked by a modern hospital and college developments, as well as suburban residential developments to the north and south of no outstanding merit. The proposed development is considered to be of a high design standard but in this context particularly it is suggested that this development will represent a major enhancement to the visual amenities of the locality.

#### Conclusion

- 6.14 The sensitive nature of this site is recognised, however, in this prominent gateway site this development is considered to represent a high quality scheme that will form an impressive gateway building of modern architectural design that will enhance this entranceway to the City.

**RECOMMENDATION**

That, subject to the implications of the ecological survey and addition of any subsequently required revisions and conditions, as well as, the securing of the aforementioned planning obligation, Conservation Area Consent and Planning Permission be approved 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 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 E08 (Domestic use only of garage)**

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

**6 E09 (No conversion of garage to habitable accommodation)**

**Reason: To ensure adequate off street parking arrangements remain available at all times.**

**7 E16 (Removal of permitted development rights)**

**Reason: In the interests of maintaining the special architectural value of this development.**

**8 E18 (No new windows in specified elevation)**

**Reason: In the interests of maintaining this special architectural value of this development.**

**9 F16 (Restriction of hours during construction)**

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

**10 F39 (Scheme of refuse storage)**

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

**11 G01 (Details of boundary treatments)**

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

**12 G02 (Landscaping scheme (housing development))**

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

**13 G03 (Landscaping scheme (housing development) - implementation)**

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

**14 G16 (Protection of trees covered by a Tree Preservation Order)**

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

**15 G17 (Protection of trees in a Conservation Area)**

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

**16 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.

**17 H06 (Vehicular access construction)**

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

**18 H08 (Access closure)**

**Reason:** To ensure the safe and free flow of traffic using the adjoining County highway.

**19 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.

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

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

**21 H29 (Secure cycle parking provision)**

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

**Informatives:**

- 1 NC01 - Alterations to submitted/approved plans
- 2 HN01 - Mud on highway
- 3 HN04 - Private apparatus within highway
- 4 HN05 - Works within the highway
- 5 HN10 - No drainage to discharge to highway
- 6 N15 - Reason(s) for the Grant of PP/LBC/CAC

**Hereford Local Plan:**

**DCCE2005/2330/C**

- 1. C01 - (Time limit for commencement (full permission) )  
Reason: Required to be imposed by Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2. Prior to the commencement of demolition, a photographic recording of Carfax House and Carfax Cottage shall be deposited with the Council in accordance with details to be agreed prior the conducting of said recording.  
Reason: In the interests of maintaining a record of the history and development of this site

**Informatives:**

- 1. N03 – (Adjoining property rights)
- 2. It is advised that the staircase in Carfax House is of a high quality and it would be desirable for this to be salvaged. Please do not hesitate to contact the Conservation Manager on 01423 261950 to discuss this matter further.
- 3. N15 - Reason(s) for the Grant of PP/LBC/CAC

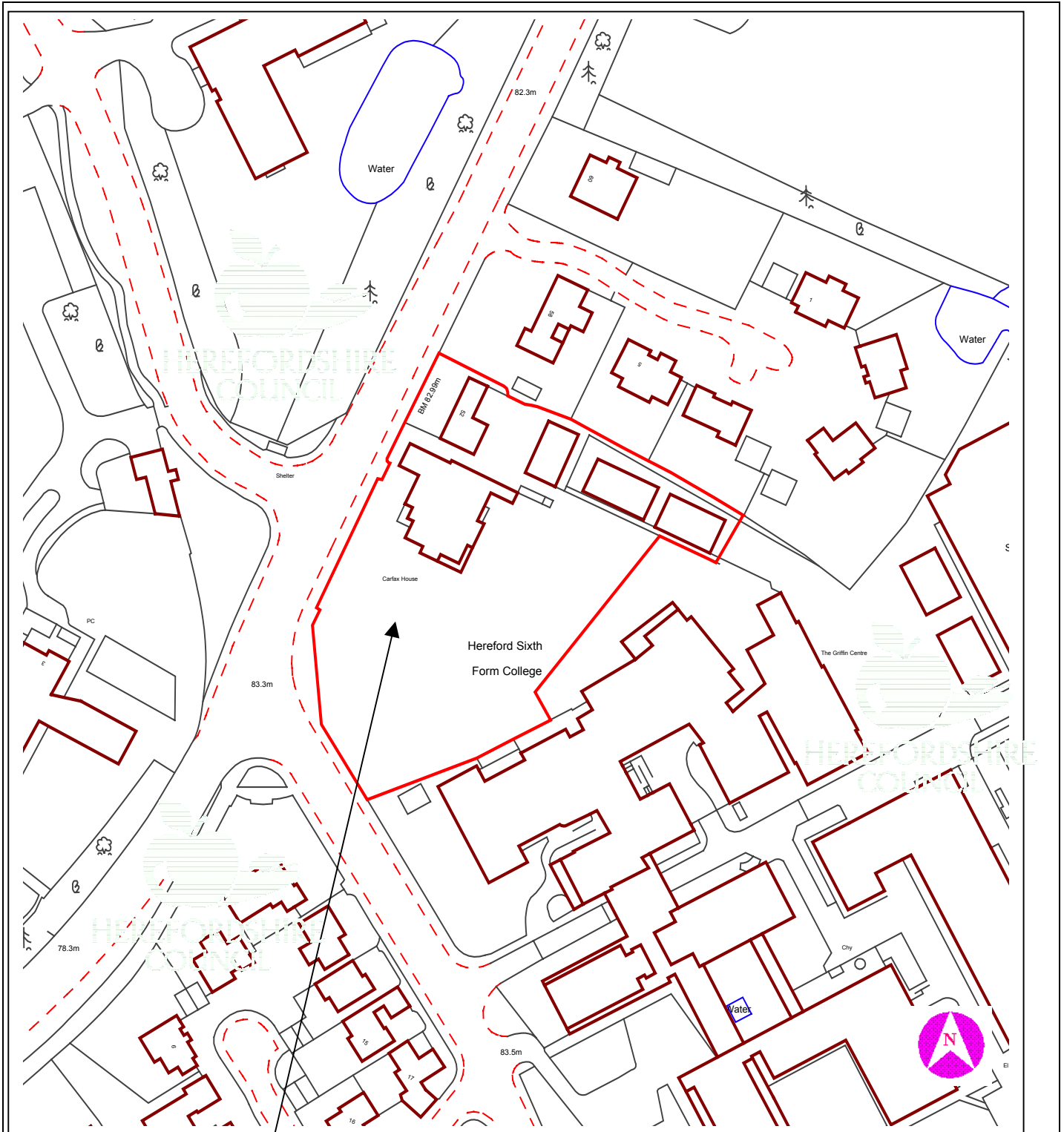
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCE2005/2356/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Carfax House site, Aylestone Hill, Hereford, Herefordshire, HR1 1HX

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**10A DCCW2005/1242/M - VARIATION OF CONDITION NOS. 3, 6, 11, 15, 23, 24, 25, 29 AND 30 OF PLANNING PERMISSION H&WCC REF. 407393 (SH960682JZ) (WELLINGTON) TO MERGE OPERATIONS AT WELLINGTON AND MORETON-ON-LUGG QUARRIES AT WELLINGTON QUARRY, WELLINGTON, HEREFORD, HR4 8BY**

**For: Tarmac Ltd. per SLR Consulting Ltd., SLR House, Meadowbank Way, Eastwood, Nottingham, NG16 3TT**

**10B DCCW2005/1243/M - VARIATION OF CONDITION NOS. 2, 3, 4, 7, 8 AND 9 OF PLANNING PERMISSION REF. CW2002/3058/M (MORETON-ON-LUGG) TO MERGE OPERATIONS AT WELLINGTON AND MORETON-ON-LUGG QUARRIES AT LAND AT MORETON ON LUGG, HEREFORD**

**For: Tarmac Limited per SLR Consulting Ltd., SLR House, Meadowbank Way, Eastwood, Nottingham, NG16 3TT**

**Date Received: 11th April, 2005    Ward: Wormsley Ridge    Grid Ref: 50565, 47649  
Expiry Date: 6th June, 2005**

Local Member: Councillor J.C. Mayson

### **Background**

A gravel pit has been worked under a succession of planning permissions and operators at Wellington since 1985. In 2004 planning permission was given for a separate gravel pit at Moreton Camp. The permission has not yet been commenced. Tarmac Western have recently obtained control over both sites. These applications are to merge the two sites and work the Moreton permission in effect, as an extension of the Wellington site. The details of the two applications are complicated and involve variations to several conditions on both existing permissions. The net effect however would, in essence, be to work the two sites as one. The two applications are therefore inextricably linked. It would not be defensible at appeal to grant one application and refuse the other. The two are therefore considered under one report.

## 1. Site Description and Proposal

- 1.1 Both sites lie to the west of the A49. The nearest points of both sites are about 1km north of Moreton-on-Lugg, 500km east of Wellington and 800m west of Marden. The northern boundary of the two sites is Haywards Lane; the Leominster Hereford Railway Line is to the immediate east of the site. The River Lugg SSSI, cSAC is about 100m away at its nearest point.
- 1.2 Wellington Gravel Pit (DCCW2005/1242M): Wellington Gravel Pit is about 50ha in size, of which about 3ha remain to be extracted. Access to the site is on to Haywards Lane (C1122) and thence to the A49. Under the current permission the site would be worked out in about a year and cleared and restored by about 2008. The site would then be left as lakes designed for sailing, fishing and nature conservation and agriculture. Specific planning would be need for these recreational uses and one permission for the use of the lake as a trout fishery has already been given.
- 1.3 The application is to vary the following conditions of planning permission SH960682JZ (Hereford and Worcester County Council ref 407393, Wellington Gravel Pit):
- 3) to change the approved plans to the proposed joint working and restoration scheme.
  - 6) to allow the sand and gravel from the Moreton Camp site to be processed and sold through the Wellington plant, the silt washings to be disposed of to restore the Wellington site and for the Wellington access to be used to serve the existing rail head at Moreton Camp.
  - 11) to allow a new crossing to be made over the gas pipeline through the site.
  - 15) to allow soils, subsoils and overburden to be moved, stored and respread to allow the two sites to be jointly worked and restored.
  - 23) to allow a more water based, nature conservation directed restoration.
  - 24) to allow a different aftercare scheme.
  - 25) to allow an amended planting scheme.
  - 29) and 30) to allow the processing plant, associated buildings, machinery, equipment, etc and ready mixed concrete plant to be retained for the duration of operations at the Moreton site.

Proposals are also submitted to vary a Section 106 Agreement made on 24th April, 1997 to:

- a) delete requirements for hydrological and hydrogeological monitoring schemes relating to land within Moreton Camp, and
- b) to delete the requirements for archaeological work on the Wellington site because these are no longer appropriate.

1.4 Moreton Camp (DCCW2005/1243/M: The permitted gravel pit at Moreton Camp is about 34ha in size and is estimated to contain 2m tonnes of workable material. The permission has yet to be commenced. Access would be from a roundabout off the A49 which has yet to be constructed. On completion the site is to be restored to two large lakes. The proposal is to vary the following conditions:

- 2) so that no processing plant and related buildings be erected on site (material would then be processed through the existing Wellington plant).
- 3), 4) and 7) so that no new roundabout and associated highway works would be constructed on the A49 (access to the site and the existing rail head would then be through the existing access to the Wellington site).
- 8) to vary the permitted plans to allow the two sites to be worked as one, and
- 9) to vary the restoration details required.

Proposals are also included to vary the Section 106 Agreement entered into in connection with permission CW2002/3058/M to delete the requirement to construct a new roundabout on the A49. The requirement in that S106 to provide up to £5,000 for a gateway (signing, etc) feature on the A49, up to £60,000 to create a cycleway and up to £12,000 to create a bus stop on the A49, (subject to Highways Agency specification), would however be maintained, updated and index linked.

1.5 The net effect of these proposals would be, in essence, that the Wellington site would be worked out more or less in accordance with the existing planning permission but that the plant, buildings, ready mixed plant, recycling area and access would be retained until about 2019. Most of the rest of the site would be restored in the next 3 years. Most of the final landform and lakes would be restored to a shape and landform similar to that currently permitted.

1.6 The Moreton site would be worked in a different sequence to that currently permitted although the excavation area itself would be unchanged. The site would also be worked out by about 2019. The site would be restored to two lakes and a landform similar to that currently permitted. The most significant change proposed would however be that no new roundabout would be constructed on the A49 and no use would be made of the existing access into Moreton Camp.

## 2. Policies

### 2.1 Minerals Planning Guidance:

- MPG1 - General Considerations and the Development Plan System
- MPS2 - Controlling and Mitigating the Environmental Effects of Mineral Workings
- MPG7 - (Revised) The Reclamation of Minerals Workings

### 2.2 Regional Planning Guidance for the West Midlands:

- RPG11 - Regional Spatial Strategy
- M1 - Mineral Working
- QE1 - Conservation and Enhancing the Environment
- QE2 - Restoring Degraded Areas etc.

- QE6 - Conservation etc. of the Landscape
- QE7 - Protecting etc. Biodiversity

### 2.3 Hereford and Worcester Minerals Local Plan:

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

### 2.4 Hereford and Worcester County Structure Plan:

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

### 2.5 South Herefordshire District Local Plan:

- Policy GD1 - General Development Criteria
- Policy C12 - Protection of SSSI's
- Policy 12A - Protection of cSAC
- Policy 15 - Creation of New Nature Conservation Sites
- Policy 44 - Flooding
- Policy T3 - Highway Safety

### 2.6 Herefordshire Unitary Development Plan (Revised Deposit Draft):

- Policy S1 - Sustainable Development
- Policy S2 - Development Requirements
- Policy S9 - Minerals
- Policy DR3 - Movement
- Policy DR4 - Environment
- Policy DR6 - Water Resources
- Policy DR9 - Air Quality
- Policy DR10 - Contaminated Land
- Policy DR11 - Soil Quality
- Policy DR13 - Noise
- Policy DR14 - Lighting
- Policy T4 - Rail Freight
- Policy S7 - Natural and Historic Heritage
- Policy LA2 - Landscape Character
- Policy LA6 - Landscaping
- Policy NC1 - Nature Conservation
- Policy NC2 - Sites of International Importance

Policy NC3	-	Sites of National Importance
Policy NC4	-	Sites of Local Importance
Policy NC5	-	European Protected Species
Policy NC8	-	Habitat Creation
Policy NC9	-	Management of Landscape
Policy ARCH1	-	Archaeological Assessments
Policy ARCH6	-	Archaeological Recording

### 3. Planning History

#### Wellington Gravel Pit

- 3.1 SH85/0283 (H&WCC ref. 407104) - Extraction and processing of sand and gravel, erection of ready mixed concrete plant. Granted 29th November 1985.
- 3.2 SH96/0682JZ (H&WCC ref. 407393) - Extensions to north and south (etc), Granted 24th April 1997.
- 3.3 CW1999/3334/F - Change of use of restored quarry to fly fishing lake and ancillary structures and car parking. Granted 14th February 2000.
- 3.4 CW2000/0596/N - Importation and stocking of waste material for recycling via a mobile crusher with stockpiling of graded product. Granted 11th October 2000.
- 3.5 Prior Approval (Code 96/0682JZ) granted 26th November 2004 for concrete pad and building for the production and stocking of concrete blocks.

#### Moreton Camp

- 3.6 CW2001/3080/M - Establishment of rail loading facility for the distribution of aggregates. Granted 18th July 2002.
  - 3.7 CW2002/3190/M - Replacement and re-alignment of rail lines and infrastructure works (etc). Granted 10th December 2002.
- CW2002/3058/M - Extraction of sand and gravel; erection of aggregate processing plant and ancillary facilities/infrastructure; construction of new access; diversion of utility services and continued use of rail sidings for loading/dispatch of aggregate. Granted 11th February 2004.

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 Highways Agency: No objection, advises (but does not direct) that the applicants should make a S106 Agreement that:
  1. The applicants shall construct a combined footpath/cycleway between Wellington Marsh and the Wellington turn, the detailed design and installation of which shall be approved by the planning authority after consultation with the Highways Agency.

2. The applicants shall provide a bus stop near Wellington Marsh (on the eastern side of the carriageway) the exact location and design of which shall be approved by the planning authority after consultation with the Highways Agency.
- 4.2 Environment Agency: No objection but comment on the need to clarify drawing references, clarify ecological issues and to maintain the monitoring regimes already agreed for the existing Moreton Camp development.
- 4.3 River Lugg IDB (orally): No objection, confirm the content of correspondence with Tarmac that the proposed crossing of the Wellington Brook would be acceptable.
- 4.4 English Nature: Any response will be reported orally.
- 4.5 Network Rail: No objection, note that only the Wellington site abuts the line, that extraction is virtually complete, that the proposal does not have a substantial impact on Network Rail interests and request that the conditions imposed on the earlier permission be retained.
- 4.6 Transco: No objections; draw attention to the need to comply with the Code of Practice for Safe Working in the vicinity of pipelines.

## **5. Representations**

- 5.1 Moreton-on-Lugg Parish Council: Have no observations to make on the applications and are in favour of site access via Haywood Lane.
- 5.2 Marden Parish Council: Have no objections in principle, consider that the siting of the processing plant at the existing Wellington site will reduce the impact on the residents of Marden, express concern about the noise that might be generated by the proposed conveyor, the possibilities of dust generation and the effects of traffic on Haywood Lane and the A49 regarding which they ask for the Highways Agency's advice to be considered before consent is granted.
- 5.3 Fifty-seven letters sent to neighbours. Five letters have been received, three of which were from Mr. E.B. Smith of Orchard View, Wellington, expressing concern about the desirability of a wholly new access elsewhere off the A49 and the need for a reduction of speed on the A49.
- 5.4 Two letters, one fully supporting the applications, one requesting a variation to the timing of construction of the earth monitoring close to his house have been received from Mr. Williams of Yew Tree House, Wellington.

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

## **6. Officers Appraisal**

- 6.1 There are two applications before Members here, both involve variations to a number of conditions and to existing S106 Agreements. The details of both applications need to be considered in full but in essence the proposals amount to changing of existing permissions so that the Moreton site would be worked as though it was an extension to the Wellington site. The principal effects would be do retain the existing Wellington

plant and access, abandon the need to create a roundabout on the A49 to serve the Moreton Camp gravel pit and alter the restoration of both sites. The proposals are interlinked and it would not be possible to do other than approve both or refuse both. It may be possible however to approve or refuse the specific details of some individual conditions.

- 6.2 No extensions to or deepening of the existing permissions are proposed, the rate of extraction and hours worked would remain the same and in general the possible after uses of both sites would remain the same. There are no material objections to either application and both would therefore normally have been determined under the Officer Delegation Scheme. Both proposals involve alterations to S106 Agreements, however, decisions which are not included in the Scheme of Delegation. The applications must therefore be brought to Members for determination. The effects can usefully be considered under the following general headings.

#### River Lugg SSSI/cSAC

The River Lugg is extremely close to and floods the Wellington site. The Council has a statutory duty to protect and enhance the SSSI and as a competent authority under the Habitats Regulations must undertake an appropriate assessment to assess any effects on the cSAC designation. Members should be aware that there is no suggestion that the Wellington Gravel Pit has had any adverse effects on the designated sites or protected species associated with them. The potential effects of the Moreton Camp proposal were assessed at length and monitoring schemes agreed to protect that site. There are no suggestions that either proposal would have any adverse effects on the SSSI/cSAC or protected species associated with it and there are no grounds for refusing permission on these grounds.

#### Changes in working Arrangements

- 6.3 The principal changes proposed would mean that although the Wellington site would be worked out as currently permitted, the phasing of the Moreton site would be altered. The rate of extraction and time taken to work the two sites would however be unchanged. Officers consider that the only significant adverse effects of the proposed changes so far as working arrangements are concerned could be:
- a) That a new, temporary haul road would need to be constructed across lake 2 at the Wellington site. This lake currently has planning permission as a trout fishery. Officers consider that this permission would be unusable for about 3 years. Within less than 5 years however, two lakes capable of use as fisheries would have been created, one larger than the existing permission. No representations or objections have been received from the Fishing Club or individuals about this aspect of the proposal.
  - b) The proposal would mean that the existing plant at Wellington would be used to process extracted materials and that no processing plant would be constructed at Moreton Camp. The Wellington plant is about 700m from the nearest house (at the level crossing) and about 1500m from the next nearest (the Almshouses on the A49). No complaints about the plant have been made to the Planning Office since it commenced in 1990 and its retention would not cause new problems. The plant formerly proposed at Moreton Camp would have been about 350m from the nearest house (Yew Tree House) and about 550m away from the Almshouses. In that it would probably cause fewer adverse effects on amenity the proposal would therefore probably be an improvement on the

existing permission. The Wellington plant can be seen from very limited public viewpoints but the effect is not significant in the landscape. Its retention would not cause unacceptable effects.

### Reclamation

- 6.4 The proposals would make alterations to the detail, but not the general principles of the existing reclamation schemes. The existing planning permission would restore the Wellington site to three large and one small lake. The proposal would divide the smallest lake into two creating five lakes but extend one of these to be much wider than before. This would improve its appearance. The restoration of the remainder of the site would be largely unchanged (to one large c8ha arable field (already in place) one pasture c3ha, regenerated woodland, scrapes, lake margins etc.) The Moreton site would be restored to a broadly similar state to that currently approved. Two Rights of Way which have been temporarily diverted for about 15 years would be reinstated on their original lines. In broad terms the proposals would improve the range of habitats to be established and enhance the biodiversity value of the site by improving the detailed elements of the individual proposals. The site is probably already the second most valuable site for bird life in the county, both in terms of the numbers and range of species involved and has the potential to be of high value for amphibians and insects. The ground flora could be improved and the site already maintains a high population of orchids.
- 6.5 In detail, the proposed alterations would protect areas of naturally regenerated woodland from trespass by isolating them with moats, add a string of low islands to the Wellington lake, add large areas of scrapes and shallows, some of which would be seasonally flooded and create a new shallow (1ha) lake and at least 2ha of wet woodland. The single greatest change proposed would however be to use part of the large lake at Wellington as a silt pond. This would have positive and negative effects. On the positive side it would create a large (c5ha) area of shallows which could be of great ecological value. Officers' advice is that if permission were to be granted, a condition should be imposed requiring the submission of a scheme and method statement to ensure that on the cessation of working six islands, each at least 20m in diameter, each permanently surrounded by water should be created. These should naturally revegetate over time and the water around them should form extensive reed/reed mace beds. The Council's Biodiversity Action Plan has a target of creating 15ha of wet woodland in the county. These proposals could make a fair contribution to this at Wellington in addition to the 1ha of wet woodland proposed at the Moreton site.
- 6.6 On the negative side, these proposals would reduce the area of open water on the largest lake at Wellington from about 13ha as proposed at present to about 8ha. The lake has always been designed so that it would be suitable for use as a sailing lake, although a specific permission would be necessary to realise any such use. The proposals would reduce but not frustrate, the value of the lake for sailing. The County Youth Service has recently commissioned research into the need for water based recreation and possible future use of lakes and flat waters in the county. The report recognised the potential value of the lake at Wellington for sailing/water based activities and environmental studies. It has not however been adopted by Members and can be given little weight in determining these applications. An important consideration must also be that neither the existing Development Plans nor the emerging Unitary Development Plan made any specific reference to the need to protect the lakes of Wellington for sailing or other specific recreational use. There are therefore no policy reasons to justify refusing these applications permission because of any possible compromising effect they might have on the potential of the site as a



sailing lake. In practice however at least 8ha of open water should still exist and the largest lake proposed at Moreton would be about 14ha in size, (without islands) and would probably be equally suitable for sailing. On balance Officers consider that the proposals would significantly enhance the biodiversity value of both sites, would be slightly more in accordance with the landscape character of the area than the present schemes and although they might postpone, would not frustrate the future use of the site for recreational uses.

#### Highways Issues

- 6.7 The proposals would mean that Haywards Lane, the existing access to the Wellington site, would be used as to serve the gravel pit for about another 12 years. HGV movements would increase along that road but traffic along the A49 towards the old camp entrance would decrease by the same amount. The Transportation Manager recommends that if permission were to be granted Haywards Lane should be resurfaced, to specification, at the operator's expense and this is proposed below. The businesses on the Hayward Industrial Estate would therefore be subjected to more noise and users of Haywards Lane to more traffic movement but the residents along the A49 between Haywards Lane and the camp entrance would experience less traffic movements. There have been no objections to the proposed deletion of the roundabout currently required to serve the Moreton gravel pit permission. Officers consider that on balance the proposal would slightly reduce traffic flows and disturbance along the A49, which is to be welcomed but would not create significant adverse effects on Haywards Lane.

#### Other Issues

- 6.8 If permitted the proposals would require changes to related matters including the need to revise landscaping, soil handling and storage schemes, gas pipeline and railway protection, archaeological investigation and recording schemes and the reclamation of the rail loading depot already constructed under other permissions. Officers consider that these would not have significant adverse effects but would require existing schemes and conditions to be updated or improved. These are proposed below.

#### S106 Agreements

- 6.9 The applications include proposals to
- a) release the operator from the requirements of a S106 agreement made in 1977, regarding the Wellington site. The provisions related to archaeological, hydrological and hydro geological schemes. These have either been complied with (in the case of the archaeological issues) or proved inadequate and have been superseded by schemes required under subsequent permissions (in the case of the other schemes). Officers have no objection to the proposed release. No matters are outstanding under the agreement
  - b) release the operator from the requirements in the S106 Agreement made in 2004 relating to the Moreton Camp gravel pit, to construct a roundabout on the A49 to serve that permission. Officers consider that if these permissions were to be granted the proposed roundabout would serve no useful purpose. Neither the Highways Agency nor the public have any objection to the proposal and there do not appear to be any grounds to refuse it. Members will be pleased to know that part of the agreement (to resurface the car park at Wellington Primary School and

Community Centre) has been implemented and that the remaining provisions (to fund minor improvements to the A49 and construct a bus stop and cycle lane) have been retained and index linked.

- 6.10 In conclusion Officers consider that the proposed changes to conditions for both applications would not have significant adverse environmental effects and in most cases would lead to modest improvements in the reclamation of the site and in reducing adverse effects on local people. In most cases Officers consider however that the wording of the amendments proposed to the conditions could be improved and some related conditions on the existing permissions could usefully be amended to reflect changed circumstances or best practice and these are proposed below. Officers have no objection to the proposed variations to the S106 Agreements.

### RECOMMENDATION

- 1) **The County Secretary and Solicitor be authorised to complete a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 to revoke the S106 Agreement made under reference SH960682JZ (H&WCC ref. 407393) on 24th April 1997 and amend the S106 Agreement made under ref. CW2002/3058/M on 13th January 2004) and**
- 2) **Upon completion of the aforementioned Planning Obligation that the Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission for applications DCCW2005/1242/M and DCCW2005/1243/M subject to the following conditions:**

**In respect of DCCW2005/1242/M (Wellington Gravel Pit):**

1. **The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. No soil shall be moved on site unless and until written notice of commencement has been sent to the local planning authority.**

**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 and in order to define the commencement of the development.**

2. **This permission shall be implemented only in lieu of, and not in addition to, the planning permission SH960682JZ (Hereford and Worcester County Council reference 407393) dated 24th April 1997.**

**Reason: To prevent over development of the site and to protect the interests of the River Lugg SSSI, cSAC.**

3. **The site referred to in this permission is that shown edged red on plan W17/PL1/3 received by Hereford and Worcester County Council on 5th June 1996, included within this site is the sand and gravel working existing at that time and two extension areas referred to as the Proposed Northern Extension Area and the Proposed Southern Extension Area.**

**Reason: To define the permitted area in the interest of clarification and to protect the amenity of local residents and the scientific and nature conservation interests of the River Lugg SSSI, cSAC.**

4. The development shall be carried out in all respects strictly in accordance with the approved plans (drawing nos. W107/03, W107/04, W107/05), except where otherwise stipulated by conditions attached to this permission.

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

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

- i) The species present and
- ii) Where National and Herefordshire biodiversity species are identified, estimates of the numbers present and
- iii) Propose how the habitats of such species may be improved during the course of the development hereby permitted, including the period of aftercare.

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

6. Not later than 9 months from the date of this permission a scheme and method statement shall be submitted to the local planning authority for their approval in writing for the discharge of silt and dirty water from the plant site. The submitted scheme shall be designed to ensure that on the cessation of the winning and working of minerals hereby permitted at least 6 islands, each at least 20 metres in diameter, each permanently surrounded by water have been created in Lake 3 and that Phragmites species have become established in Lake 3. Development shall be carried out in accordance with the approved scheme.

Reason: In order to ensure that the site is reclaimed in a way which maximises its nature conservation interest and to prevent pollution of the water environment and in the interests of protecting the River Lugg SSSI, cSAC.

7. Not later than 31st May 2008 schemes and method statements shall be submitted to the local planning authority for their approval in writing for:

- i) The removal and respreading of the soil mounds formed in creating the blockworks on site, and
- ii) The clearance, ground preparation and soil covering of the areas shown as Plant Site, Offices, Conveyor and Stocking Area on drawing W107/03.

Reason: In the interests of ensuring the proper reclamation of the site, the protection of archaeological features and the prevention of pollution to ground and surface waters, particularly the river Lugg SSSI and cSAC.

8. No extraction shall be undertaken within 30 metres of any part of the railway embankment.

Reason: In order to protect the stability of the railway line.

9. No topsoil or subsoil shall be removed from the site other than for placement in the adjacent gravel pit at Moreton Camp previously granted planning permission under reference CW2002/3058/M granted on 11th February 2004.

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

10. No soil, subsoil, stone or waste materials shall be imported into the site for use in its reclamation other than from the adjacent gravel pit previously granted planning permission under reference CW2002/3058/M on 11th February 2004.

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

11. No soils shall be moved, spread, levelled or loosened other than in connection with agriculture within the area shown as agricultural land on plan W107/02 during the months of November to March (inclusive) or when the moisture content of this area is greater than 20% or when there are pools of water on the ground surface where soils are to be moved to.

Reason: To ensure that the land is restored to as high a quality of agricultural land as possible.

12. No work shall be done which would alter the existing ground surface or respread soils, subsoils or overburden within the areas shown as Plant Site, Offices and Stocking area on drawing W107/03 or Car Park and Field 2 - Pasture on plan W107/04 unless and until a scheme and method statement to do without unacceptable adverse effect on the River Lugg SSSI/cSAC and the archaeological value of these areas has been approved in writing by the local planning authority. Development shall be carried out in accordance with the approved scheme.

Reason: In order to protect features of archaeological interest.

13. No soils, subsoils or overburden shall be stored closer than 10 metres from the banks of the Wellington Brook.

Reason: In order to minimise the risk of pollution.

14. No work shall be undertaken within the vicinity of the pipeline other than in accordance with Transco Engineering Standard T/SP/SSW22 "Code of Practice for Safe Working in the vicinity of the Pipelines" or any instrument revoking or re-enacting that document with or without modification.

Reason: In order to ensure that the gas pipeline is not damaged.

15. No light source shall produce more than 1 lux horizontal or vertical illuminance at any adjacent property boundary.

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

16. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment.

17. No machinery shall be operated other than water pumping, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times 0700 to 1900 Mondays to Fridays, 0800 to 1300 on Saturdays and not at all on Sundays, Bank or Public Holidays (“the permitted hours”), except to allow the access or egress of vehicles to or from the area permitted for use as a rail loading facility, permitted under consent reference CW2001/3080/M granted 18th July 2002 in such cases the access of loaded and or unloaded vehicles shall be permitted but only the egress of unloaded vehicles shall take place outside the permitted hours.

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

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

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

19. No later than 31st May 2008, the operator shall submit an aftercare scheme to ensure the reclamation of the site to the standard required, for the approval in writing of the local planning authority. The submitted scheme shall include provision for:

- i. Managing the site in the interests of nature conservation and agriculture for at least 5 years after the completion of reclamation works on site and in particular for the provision and maintenance of habitats for priority species identified on site specified in the National and Herefordshire Biodiversity Action Plans.
- ii. The alteration of management practices where in the opinion of the local planning authority as advised by English Nature or any successor bodies, the habitats of Biodiversity Action Plan species identified on site could be enhanced.

- iii. A site meeting to be held every year during the aftercare period to discuss the progress of reclamation to date and to agree future proposals.
- iv. Such a meeting to be attended by the person(s) responsible for undertaking the aftercare of the land.

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

20. Not later than two years after the cessation of the winning of materials, as determined by the local planning authority,
- i) all stockpiles, stores, plant, hardstandings, buildings, tracks, machinery, equipment, infrastructure, chain link fencing and concrete fence posts and waste associated with the winning, working, processing, storage, sale and transportation of minerals and the production of readymix concrete and use of the site as a rail loading facility shall be permanently removed from the application site, and
  - ii) the site shall be fully reclaimed in accordance with drawing W107/04 as supplemented by schemes approved in accordance with the conditions hereby approved.

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

21. The winning and working of minerals at this site shall expire fifteen years after the date of commencement.

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

22. Notwithstanding the provisions of Schedule 2, Parts 6 and 7 of the Town and Country Planning (General Permitted Development) Order 1995 or any statutory instrument revoking or re-enacting that Order with or without modification, the land and lakes which remain on the cessation of mineral winning shall not be used for any activity other than for the purposes of nature conservation or agriculture unless a specific permission for such is obtained from the local planning authority.

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

**Informative:**

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

**In respect of DCCW2005/1243/M (Moreton Camp):**

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission. No soil shall be moved on site unless and

until written notice of commencement has been sent to the local planning authority.

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

2. The site referred to in this permission is that shown red on drawing MLM 2/2.

Reason: To define the permitted area in the interest of clarification and to protect the amenity of local residents and the scientific and nature conservation interest of the River Lugg SSSI, cSAC.

3. This permission shall be implemented only in lieu of, and not in addition to, the planning permission CW2002/3058/M dated 11th February 2004.

Reason: To prevent over development of the site and to protect the interests of the River Lugg SSSI, cSAC.

4. The development shall be carried out in all respects strictly in accordance with the approved plans (drawing nos. (MLM/2/2), (MOL ND1), (W107/03), W107/04), (W107/05) except where otherwise stipulated by conditions attached to this permission.

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

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

- i) The species present, and
- ii) Where National and Herefordshire biodiversity species are identified, estimates of the numbers present, and
- iii) Propose how the habitats of such species may be improved during the course of the development hereby permitted, including the period of aftercare.

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

6. Not later than two years from the date of this permission, a scheme and method statement shall be submitted to the local planning authority for their approval in writing for the creation of an area of wet woodland at least 1ha in extent, adjacent to lake 5. The submitted scheme shall be designed to ensure that on the cessation of the winning and working of minerals at the development hereby permitted at least 10% of the proposed wet woodland consists of areas of permanent standing water no more than 1 metre deep and that at least 40% is seasonally flooded at least once per year on the basis of the Environment Agency's prediction of the normal distribution of annual flooding at the site and that at least a further 25% is no more than 30cm higher than the predicted normal distribution of annual flooding at the site. Development shall be carried out in accordance with the approved scheme.

**Reason:** In the interests of maximising the biodiversity and nature conservation value of the site.

7. Not later than two years from the date of this permission, schemes and method statements shall be submitted to the local planning authority for their approval in writing for the creation of:
- i) Reed beds, dominated by Phragmites species,
  - ii) Ditches, designated to maximise their use as wildlife corridors and as habitat for water voles,
  - iii) A range of shallows and bankside gradients around the lakes formed as part of the development hereby permitted,
  - iv) Exposed sections which can be permanently retained after the reclamation of the site as a record of its soil profile and geological features,
  - v) At least one additional hide, open to the public free of charge within 2 years of the approval of the proposals for this part of this condition and maintained so during the course of the development already permitted including any period of aftercare,
  - vi) Islands on the western side of lake 3, such that on the cessation of the winning and working of minerals at Moreton Camp, the final height of these islands is nowhere higher than 54 metres AOD and the surface of the islands is covered with impermeable material and gravel,
  - vii) For the installation of at least 4 water level markers around each and every one of lakes 2, 3, 4, 5 and 6 accurately showing at least 53.5 and 54 metres AOD before reclamation works have been completed around each lake,
  - viii) An artificial sand martin nest bank, and that
  - ix) Development shall be carried out in accordance with all of the agreed schemes.

**Reason:** In the interest of maximising the biodiversity, nature conservation, amenity and geological value of the site.

8. Not later than six months from the date of this permission, a scheme shall be submitted to the local planning authority for their approval in writing for the construction and subsequent removal of a noise reduction bund to the east of Yew Tree House. Development shall be carried out in accordance with the approved scheme.

**Reason:** To protect the amenities of the residents of Yew Tree House.

9. Not later than two years after the date of this permission a scheme of landscaping shall be submitted to the local planning authority for their approval in writing. The submitted scheme shall include details of the species, sizes, densities and planting numbers of the trees, shrubs and other plant species and grass seed mixes to be used on site with the intention of creating as wide a range of habits as



possible on site. The landscaping of the site shall be carried out in accordance with the approved details.

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

10. No development shall take place in phases 4, 5 or 6 unless and until a scheme and programme of the means for the suppression of dust has been submitted to and approved in writing by the local planning authority. The submitted scheme shall include inter alia: measures for the suppression of dust caused by the movement and storage of aggregate materials within the site. The approved scheme shall be complied with throughout the use of the site in accordance with the development hereby permitted.

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

11. Not later than twelve months from the date of this permission, schemes shall be submitted to the local planning authority for their approval in writing showing:

- i) The direction of working in each phase of extraction.
- ii) The sequence and duration of each phase of extraction.
- iii) The volumes of excavated soil, subsoil and overburden to be produced in each phase and where these are to be placed both temporarily and permanently.
- iv) Detailed proposals and a method statement of how and when the railway lines, rail loading and stockpiling areas are to be cleared in order to minimise the risk of pollution to ground and surface waters.

Development shall be carried out strictly in accordance with the approved schemes.

Reason: In the interests of protecting the amenity of nearby residents and the prevention of pollution to ground and surface waters, particularly the River Lugg SSSI, cSAC.

12. No work shall be undertaken within the vicinity of the gas pipeline other than in accordance with Transco Engineering Standard T&SP/SSWZZ "Code of Practice for Safe Working in the Vicinity of the Pipelines" or any instrument revoking or re-enacting that document with or without modification.

Reason: In order to ensure that the gas pipeline is not damaged.

13. During the course of the development hereby permitted up to and including the winning of minerals from Phase 5, the operator shall carry out the barn owl and species rich grassland mitigation scheme set out in Tarmac's letter of 7th July 2003, reference ML/JA/M103(P) (Barn Owl and species rich grassland mitigation scheme) and plan reference "Management Proposals" drawing number 2, July 2003.

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

14. No extraction shall be undertaken within 30 metres of the sleepers on the railway lines shown as retained on plan W107/04 unless otherwise agreed in advance in writing by the local planning authority.

**Reason:** In order to protect the stability and future use of the railway line.

15. No development shall take place until there has been secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been approved in writing by the local planning authority. This programme shall be in accordance with a brief prepared by the County Archaeological Service. Items of prior archaeological excavation required as part of this programme must be completed in the field to the satisfaction of the local planning authority before the commencement of any development. The submitted scheme shall specify that the Bronze Age site within Area C, defined in the revised Archaeological Mitigation Strategy dated 9th August 2005, shall be excavated not later than 12 months from the commencement of soil stripping in Phase 4.

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

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

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

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

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

18. No foul or contaminated drainage shall be discharged from the site.

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

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

Property boundary of Holmesdale House, LAeq day time operations 66.9dBA, LA90 day time operations 48.0 dBA.

Adjacent to the property boundary of Yew Tree House, LAeq day time operations 63.5 dBA, LA90 day time operations 48.5 dBA.

Adjacent to the property boundary of The Almshouses, LAeq, day time operations 58.8 dBA, LA 90 day time operations 48.0 dBA.

Adjacent to the property boundary of St. Mary's Church Vicarage, LAeq day time operations 47.5 dBA, LA 90 day time operations 43.0 dBA

and if requested in writing by the local planning authority the operator shall submit within 14 days of the written request a noise survey at these locations to demonstrate compliance.

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

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

20. No light source shall produce more than 1 lux horizontal or vertical illuminance at any adjacent property boundary.

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

21. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment.

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

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

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

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

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

Reason: To safeguard residential amenity and prevent pollution.

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

Reason: To protect the appearance of the locality.

26. No topsoil, subsoil or over burden shall be removed from the site other than for placement in the adjoining gravel pit at Wellington granted planning permission under reference SH96/0682JZ (Hereford and Worcester County Council reference 407393) on 24th April 1997.

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

27. No soil, subsoil, stone or waste materials shall be imported into the site for use in its reclamation other than from the adjacent gravel working previously permitted under reference SH960682JZ (Hereford and Worcester County Council reference 407393) on 24th April 1997.

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

28. No later than 31st May 2008, the operator shall submit an aftercare scheme to ensure the reclamation of the site to the standard required, for the approval in writing of the local planning authority. The submitted scheme shall include provision for:

- i. Managing the site in the interests of nature conservation and agriculture for at least five years after the completion of reclamation works on site and in particular for the provision and maintenance of habitats for priority species identified on site specified in the National and Herefordshire Biodiversity Action Plans.
- ii. The alteration of management practices where in the opinion of the local planning authority as advised by English Nature or any successor bodies, the habitats of Biodiversity Action Plan species identified on site could be enhanced.

- iii. A site meeting to be held every year during the aftercare period to discuss the progress of reclamation to date and to agree future proposals.
- iv. Such a meeting to be attended by the person(s) responsible for undertaking the aftercare of the land.

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

**29. Not later than two years after the cessation of the winning of minerals, as determined by the local planning authority,**

- i) All stockpiles, stores, plant, hardstandings, buildings, tracks, machinery, equipment, infrastructure, chain link fencing and concrete fence posts and waste associated with the winning, working, processing, storage, sale and transportation of minerals and the production of readymix concrete and use of the site as a rail loading facility shall be permanently removed from the application site, and
- ii) The site shall be fully reclaimed in accordance with drawing W107/04 as supplemented by schemes approved in accordance with the conditions hereby approved.

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

**30. The winning and working of minerals at this site shall cease thirteen years from the date of commencement as notified in Condition 1 above.**

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

**31. Notwithstanding the provisions of Schedule 2, Parts 6 and 7 of the Town and Country Planning (General Permitted Development) Order 1995 or any statutory instrument revoking or re-enacting that Order with or without modification, the land and lakes which remain on the cessation of mineral winning shall not be used for any activity other than for the purposes of nature conservation unless a specific permission for such is obtained from the local planning authority.**

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

**32. No winning or working of minerals shall be undertaken in phase 5 of the site as shown on drawing no. W107/05 unless and until the entire length of the C1122 between the A49 and up to and including the entrance to the Wellington gravel pit site has been resurfaced with a 14mm size close graded wearing course to standard specified in BS.4987, Part 1, Section 2.7.3 (100mm pen binder) (MIN. P.S.V.62) to an average compacted thickness of 50mm.**

**Reason:** In the interests of highway safety and the amenities of users of the highway.

33. Unless otherwise agreed in advance in writing only a toothless excavator or grading bucket shall be used for soil or overburden stripping on site.

Reason: To enable features of archaeological interest to be adequately investigated and recorded.

Informative:

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

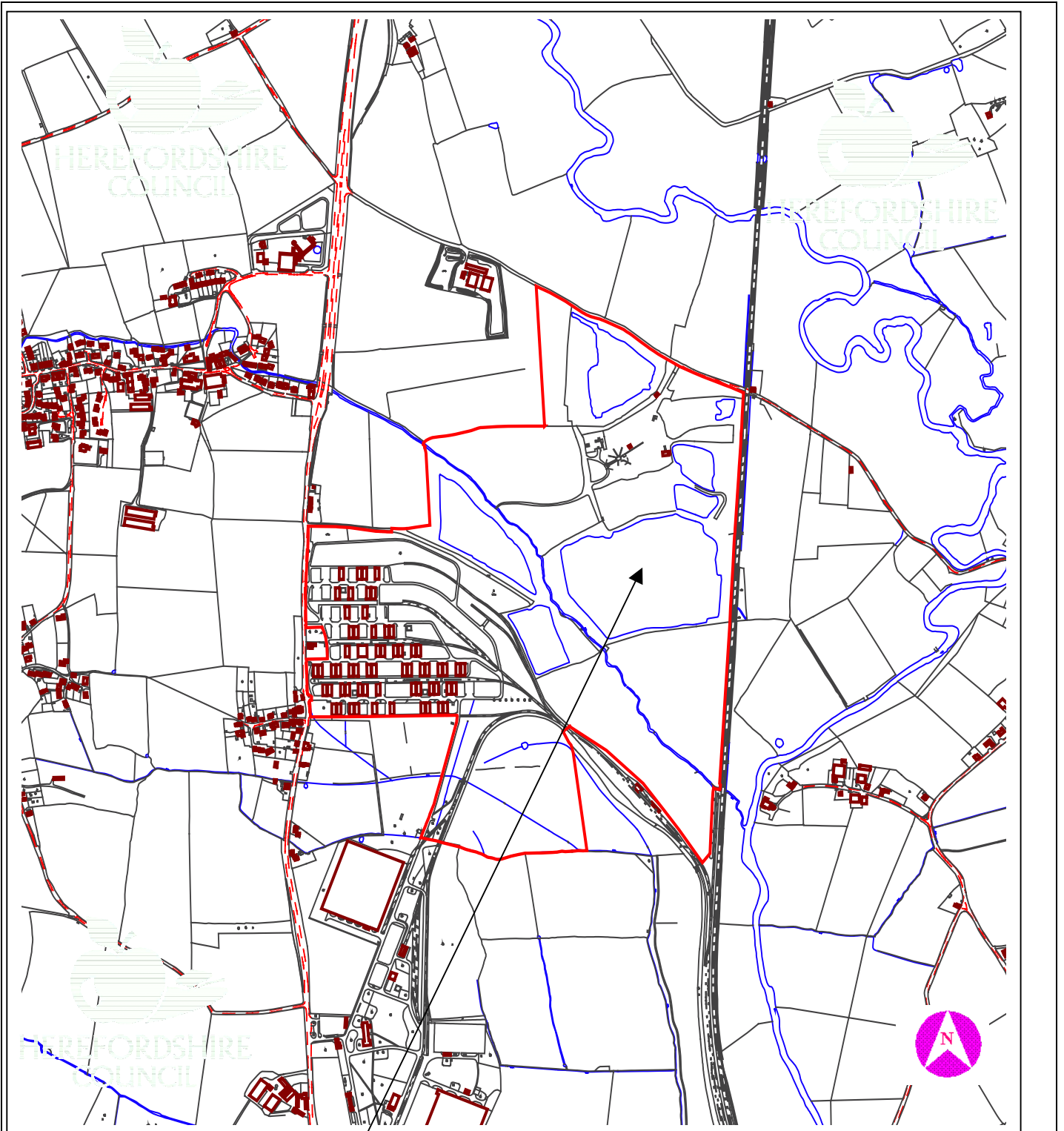
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**Background Papers**

Internal departmental consultation replies.



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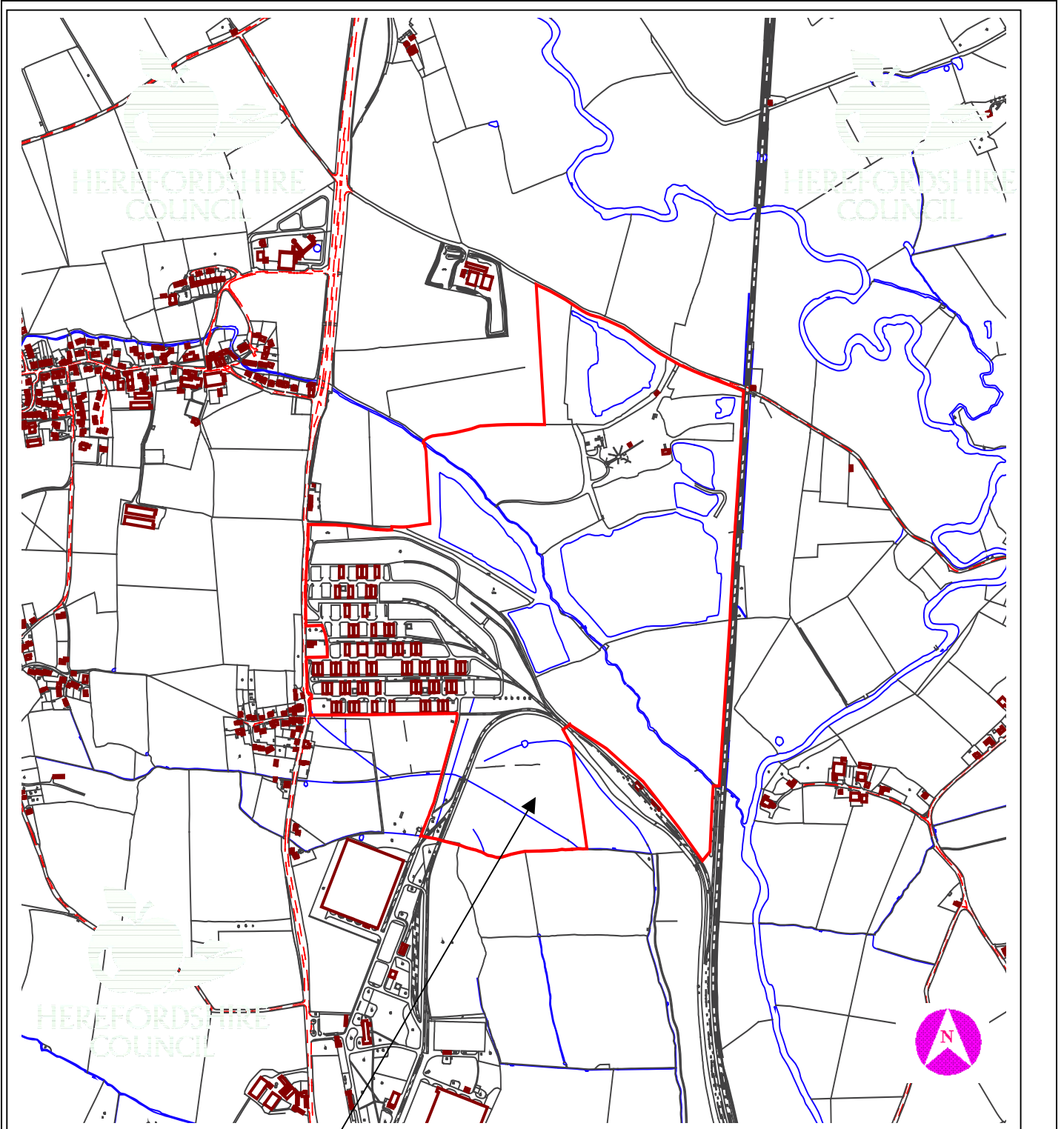
**APPLICATION NO:** DCCW2005/1242/M

**SCALE :** 1 : 14139

**SITE ADDRESS :** Wellington Quarry, Wellington, Hereford, HR4 8BY

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Further information on the subject of this report is available from Mr. N.D. Dean on 01432 260385



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**APPLICATION NO:** DCCW2005/1243/M

**SCALE :** 1 : 14139

**SITE ADDRESS :** Land at Moreton on Lugg, Hereford

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Further information on the subject of this report is available from Mr. N.D. Dean on 01432 260385



**11 DCCW2005/2394/F - TEMPORARY USE OF VACANT HOTEL CAR PARK FOR STORAGE OF PLANT AND MATERIALS IN CONNECTION WITH EIGN GATE REFURBISHMENT (RETROSPECTIVE) CURRENT FORECAST DATE OF RETURN TO EXISTING USE NOVEMBER 05 AT THE GREYFRIARS HOTEL, GREYFRIARS AVENUE, HEREFORD, HR4 0BE**

**For: Alun Griffiths (Contractors) Ltd, 21-23 Nevill Street, Abergavenny, Monmouthshire, NP7 5AA**

**Date Received: 20th July, 2005      Ward: St. Nicholas      Grid Ref: 50669, 39569**

**Expiry Date: 14th September, 2005**

Local Members: Councillors Mrs. E.M. Bew and Miss F. Short

**1. Site Description and Proposal**

- 1.1 The application site comprises part of the grounds surrounding the former Greyfriars Restaurant, which is located at the southern end of Greyfriars Avenue, within an established residential area. The application seeks retrospective planning permission to use the grounds as a temporary compound for a civil engineering contractor, to provide secure storage for plant and materials being used in the refurbishment of Eign Gate.

**2. Policies**

2.1 Hereford Local Plan:

Policy ENV17	-	Safety and Security
Policy CON12	-	Conservation Areas
Policy T11	-	Pedestrian Provision

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft);

Policy S2	-	Development Requirements
Policy S6	-	Transport
Policy HBA6	-	New Development within Conservation Areas

**3. Planning History**

- 3.1 None relevant.

**4. Consultation Summary**

Statutory Consultations

- 4.1 None.

Internal Council Advice

4.2 Traffic Manager: No objection.

4.3 Conservation Manager: No objection.

**5. Representations**

5.1 Hereford City Council: No objection.

5.2 Three letters of objection have been received from Mr. Powell, 7 Greyfriars Avenue; Mrs. Dickenson, 7 Greyfriars Avenue and Mr. Smith, 14 Greyfriars Avenue, which can be summarised as follows:

- General loss of residential amenity due to noise and vibrations;
- High frequency of disturbance from HGV's and Plant travelling to and from the site;
- Mud and dust is deposited along the highway;
- Site is not properly secured leading to issues of disorder in the evenings and at weekends.

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

**6. Officers Appraisal**

6.1 It is considered that the following issues are fundamental to the determination of the application.

- Principle of Development
- Residential Amenity

Principle of Development

6.2 The application for the temporary use of the site as a civil engineering compound is required in connection with works to improve and update Eign Gate.

6.3 The project involves the complete resurfacing and renovation of the public highway in Eign Gate, and the application site is the closest available area of open land upon which the contractor was able to secure a temporary lease to provide a secure compound for the storage of associated plant and materials.

6.4 It is considered that there is a reasonable need for the temporary use of the land, to enable the redevelopment of Eign Gate in accordance with the objectives of Policy T11.

6.5 Although the applicant has indicated that the requirement for the temporary use of the land should cease in November 2005, it is considered expedient to grant temporary planning permission until the end of December 2005 to allow for any unforeseen delays in completing the works in Eign Gate.

Residential Amenity

- 6.6 Residents of Greyfriars Avenue have submitted letters of objection to the application. Their primary concern relates to the increased noise and disturbance, particularly in relation to vehicular movements.
- 6.7 Although it is acknowledged that the application site would not be suitable for a permanent site the application is for a temporary planning permission, and as such it is considered that the impact of the temporary use can be largely mitigated against through the imposition of conditions, restricting the hours of operation and requiring that the highway be kept clear of mud and debris.
- 6.8 Therefore it is not considered that the temporary use is so demonstrably harmful that the refusal of permission would be warranted.
- 6.9 With regard to the unauthorised access onto the site, which appears to be occurring outside of normal operational hours, it is not considered that this in itself is a material planning consideration but rather a security issue for the applicant to resolve.

Conclusion

- 6.10 On balance it is considered that this proposal is in accordance with the relevant planning policies, and on a temporary basis will be acceptable subject to the imposition of conditions to alleviate the impact of the temporary use on the residential amenity of the locality.

**RECOMMENDATION**

**That temporary 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. E20 (Temporary permission).**

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

- 3. E10 (Use restricted to that specified in application).**

**Reason: To suspend the provisions of the Town and Country Planning (Use Classes) Order currently in force, in order to safeguard residential amenity.**

- 4. E01 (Restriction on hours of working).**

**Reason: To safeguard the amenities of the locality.**

- 5. F25 (Bunding facilities for oils/fuels/chemicals).**

**Reason: To prevent pollution of the water environment.**

**6. F40 (No burning of material/substances).**

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

**7. During the construction phase, the applicant shall ensure that the public highway is kept clear of mud and other debris in accordance with details to be submitted to and agreed in writing with the local planning authority, within one month of the date of this permission.**

**Reason: To protect the environment and amenities of nearby properties.**

**8. G16 (Protection of trees covered by a Tree Preservation Order).**

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

**Informatives:**

- 1. HN01 - Mud on highway.**
- 2. HN04 - Private apparatus within highway.**
- 3. N15 - Reason(s) for the Grant of PP.**

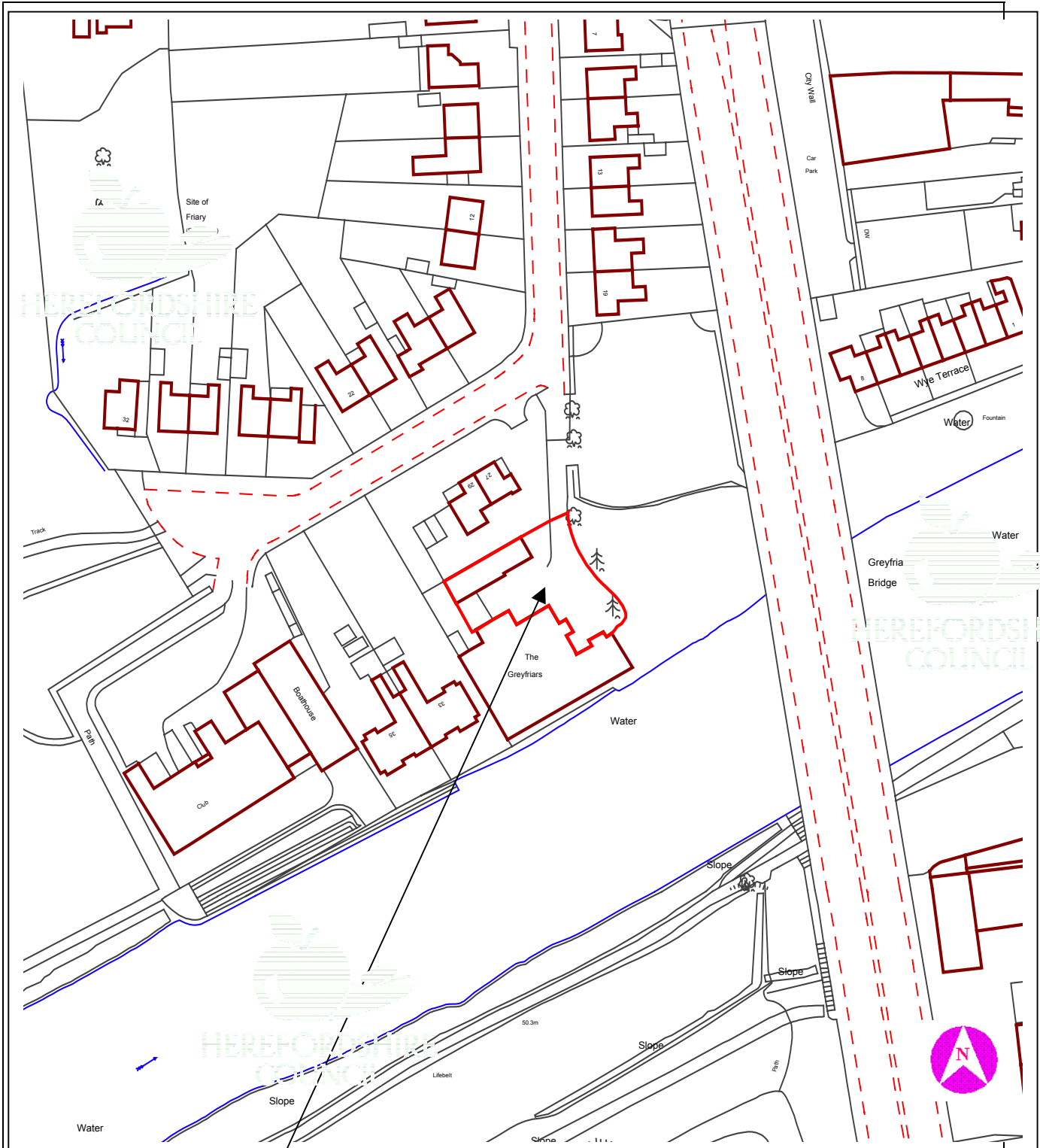
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCW2005/2394/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** The Greyfriars Hotel, Greyfriars Avenue, Hereford, HR4 0BE

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**12 DCCE2005/2563/F - FIRST FLOOR EXTENSION TO SIDE OF PROPERTY 15 HOPTON CLOSE, BARTESTREE, HEREFORD, HEREFORDSHIRE, HR1 4DQ**

**For: Mr. D. Bishop, per Mr. D. Forrest, Satchmo, 2 Broomy Hill, Hereford, HR4 0LH**

**Date Received: 4th August, 2005**

**Ward: Hagley**

**Grid Ref: 56213, 41478**

**Expiry Date: 29th September, 2005**

Local Member: Councillor R.M. Wilson

**1. Site Description and Proposal**

1.1 15 Hopton Close is a semi-detached dwelling located in a cul-de-sac development and within the designated settlement boundary of Bartestree. A detached garage is currently situated in the north-east elevation attached to which are a carport and a conservatory at the rear.

1.2 The application seeks planning permission to erect a pitch roof two-storey side extension with part of the ground floor space opened as a carport area. Brickwork and roof tile are proposed to match the existing dwelling.

**2. Policies**

2.1 South Herefordshire District Local Plan:

GD1 - General development criteria  
SH23 - Extensions to dwellings

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

DR1 - Design  
DR2 - Land use and activity  
H18 - Alterations and extensions

**3. Planning History**

3.1 None identified.

**4. Consultation Summary**

Statutory Consultations

4.1 None.

Internal Council Advice

4.2 Traffic Manager: No objections.

## 5. Representations

- 5.1 Lugwardine Parish Council: No objections.
- 5.2 Local Residents: A letter has been received from a neighbouring property at 14 Hopton Close raising the following objections:
- Light: the proposed extension will block light into their front door, hallway and the conservatory at the rear.
  - Access: due to the width of the carport, the proposed extension will restrict the neighbour from opening their vehicle doors, as a result the existing carport will be redundant and offer no protection to their vehicle.
- 5.3 The full text of these letters can be inspected at Central Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

## 6. Officers Appraisal

- 6.1 The key considerations in the determination of this application are as follows:
- (a) Principle of development;
  - (b) Design and scale; and
  - (c) Impact on residential amenities.

### Principle of Development

- 6.2 Development Plan policy states that alterations and extensions to existing dwellings should be in scale and in keeping with the character of the existing building, its surroundings, and to the amenities of nearby residential properties. It is considered that this objective is met in principle.

### Design and Scale

- 6.3 It is noted that there are no examples of similar side additions in the locality, however, it is considered that the proposed extension would represent a visual enhancement of the locality through the creation of a more modern and attractive appearance. The side additions will be appropriate in scale and is not excessive for the existing dwelling house. The subservient appearance of the extension will effectively integrate into the existing built form without compromising the visual dominance of the original dwelling.

### Impact on Residential Amenities

- 6.4 The sole objection is from the neighbouring property, 14 Hopton Close. It is noted that the neighbour's front door is located to the side of the property, which is currently face-to-face to the proposed dwelling. It is considered that the proposed additions may affect the level of light to the neighbouring property, however it will be a minimal impact that could not be justified as a reason for refusal of this application.
- 6.5 The neighbour has pointed out that the ground floor part of the extension will prevent him opening his car door over his neighbour's property. However, the extension does not encroach across the common boundary and the objector's car port is not reduced in width. Whilst there will be some inconvenience to the neighbour it is not considered that the impact is sufficient to warrant the refusal of planning permission.



Conclusion

6.6 It is considered that the proposed development is in accordance with the relevant planning policies, and with appropriate conditions applied, the proposed development would be acceptable.

**RECOMMENDATION**

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

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

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

**2 A09 (Amended plans)**

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

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

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

**4 E09 (No conversion of garage to habitable accommodation)**

**Reason: To ensure adequate off street parking arrangements remain available at all times.**

**Informatives:**

**1 N03 - Adjoining property rights**

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

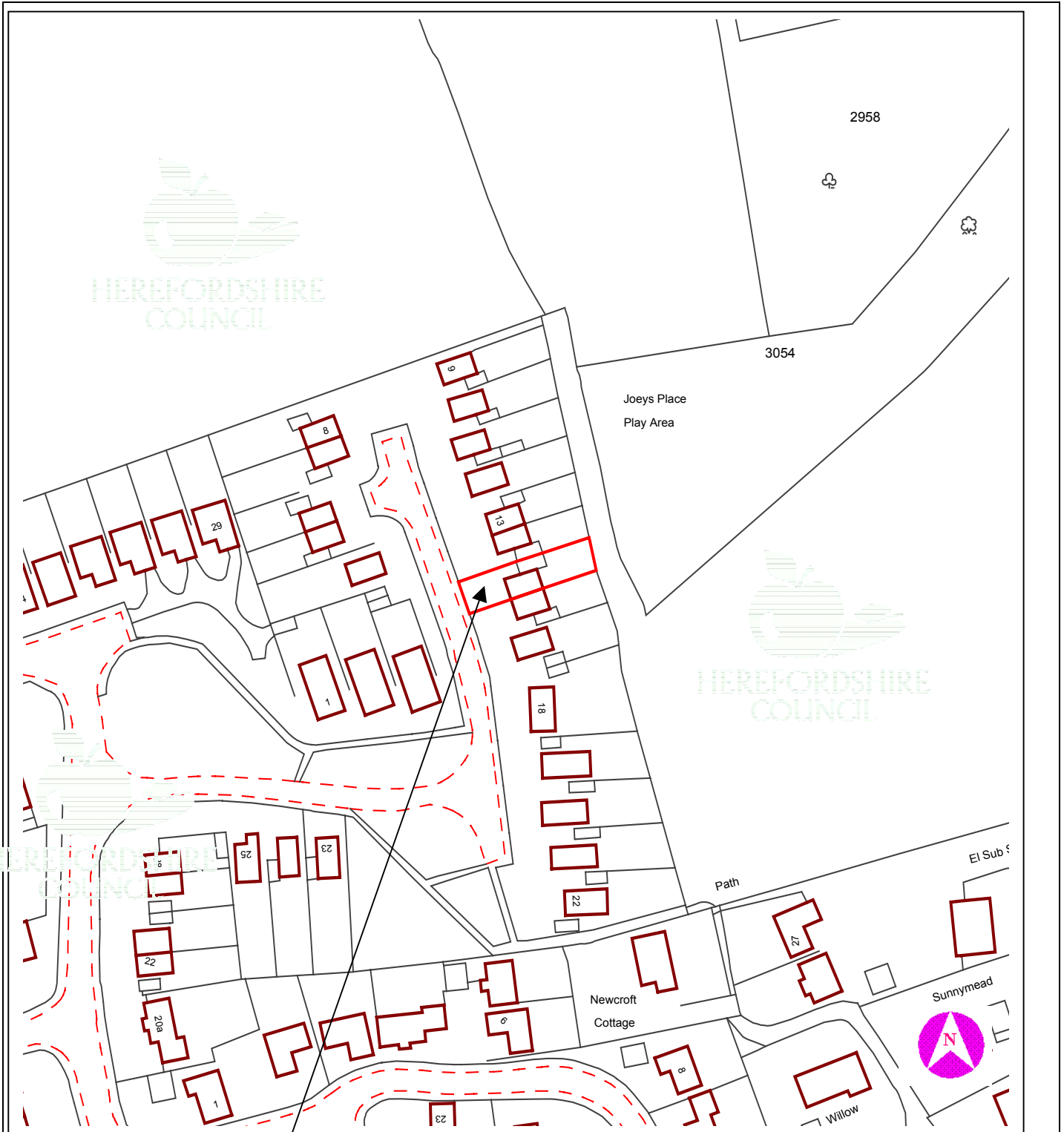
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCE2005/2563/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** 15 Hopton Close, Bartestree, Hereford, Herefordshire, HR1 4DQ

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**13 SH950300PF – ERECTION OF TWO PROPOSED DWELLINGS WITH ADJOINING GARAGES AT WOODLANDS FARM, WATERY LANE, DINEDOR, HEREFORD**

**For: Mr. F.G. Morris, Woodlands Farm, Watery Lane, Dinedor, Hereford**

**Date Received: 17th March, 1995    Ward: Hollington    Grid Ref: 5288 3734**

**Expiry Date: 11th May, 1995**

Local Member: Councillor W.J.S. Thomas

### **Introduction**

This application was previously the subject of a resolution by South Herefordshire District Council in 1995 not to determine it following a direction by the Highways Agency in 1995 to refuse the application. The application has remained undetermined since then. On 2nd September, 2005 the Highways Agency withdrew their direction and the planning application can now be determined by the local planning authority.

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

1.1 Woodlands Farm is situated at the eastern end of Watery Lane (an unclassified road) on the north side of Dinedor Hill. Immediately to the north of the farmhouse is an area used for the open storage of scrap cars. This is bounded by a hedgerow. The application site lies to the north of the hedgerow and stands in open countryside.

1.2 It is proposed to construct two new detached two storey houses. The site is outside the settlement boundary for Hereford and there is no supporting agricultural justification or other basis for an exception to policies restricting development in the open countryside.

1.3 The agent provided the following statement in support of the application:

“We propose to settle the development some three metres into the hillside where it would nestle well below the disused restaurant and be screened by a tall quickthorne hedge looking from the direction of the City.

A retaining wall built in local sandstone stepped to follow the contour of the ground to be constructed to the rear.

To conclude, the site would be cleared of all dilapidated and rusting vehicles at present occupying the site”.

1.4 The line of the proposed Rotherwas Access Road crosses the site.

### **2. Policies**

2.1 South Herefordshire District Local Plan:

- SH11 - Housing in the Countryside
- C1 - Development in the Open Countryside
- GD1 - General Development Criteria
- T1 - Safeguarding Highway Schemes

## 2.2 Hereford & Worcester County Structure Plan:

- H20 - Housing in Rural Areas Outside the Green Belt
- T9 and  
T10 - Major Road Proposals

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

- H7 - Housing in the Countryside Outside Settlements
- T10 - Safeguarding of Road Schemes

## 2.4 National Planning Policy Guidance:

- PPS1 - Delivering Sustainable Development
- PPS7 - Planning and the Rural Economy

## 3. Planning History

- 3.1 SH890029ZZ – Enforcement action in respect of the storage of scrap vehicles.
- 3.2 SH920282PO – Site for erection of two dwelling houses. Granted 16th June, 1992 (permission not implemented and lapsed in 1995).
- 3.3 SH941265PF – Proposed development of two houses. Withdrawn 28th February, 1995.

The site is also affected by:

- 3.4 CE2002/2558/F – Proposed Rotherwas Access Road. Approved 21st February, 2003.
- 3.5 CE2004/3753/F – Amendments to CE2002/2558/F to include drainage, private access provision, landscaping and associated works. Undetermined pending the views of the Highways Agency and Environment Agency.

## 4. Consultation Summary

### Statutory Consultations

- 4.1 The National Rivers Authority (now the Environment Agency): Recommended conditions to be attached to any permission.
- 4.2 The Highways Agency directed refusal of permission in 1995 but, on 2nd September, 2005, then withdrew that direction advising that they had no objection to the grant of permission. The Highways Agency considers that the proposal will have no significant effect on the trunk road network

Internal Council Advice

- 4.3 In 1995 the then County Highway Authority recommended conditions in the event that permission was granted.
- 4.4 With the exception of the Highways Agency none of the other consultees (or their successors bodies as appropriate) has been re-consulted.

**5. Representations**

- 5.1 The Parish Council had no objections in 1995 and wished to see the whole site cleared of dilapidated and rusting vehicles.

**6. Officers Appraisal**

- 6.1 The site lies partly across the line of the Rotherwas Access Road as shown on both the Proposals Map of the UDP and the approved plans for the road. However the Highways Agency regards the Rotherwas Access Road as a matter for the Herefordshire Council to determine as a County Highway Authority. The erection of two houses in this position will compromise the implementation of the road and be contrary to the policies in both the South Herefordshire District Local Plan and the UDP which seek to protect the line of the road.
- 6.2 The application also falls to be considered on the basis of open countryside policies. In this regard the proposal is contrary to policy at every level: national, strategic, local and emerging policies. There is no justification put forward to argue for rural exception housing.
- 6.3 The lapsed permission dating from 1992 is no longer of any significance; the policy framework against which the application must be considered has evolved significantly since then. The application must be considered against the policies as they exist now.

**RECOMMENDATION**

**That planning permission be refused for the reasons that:**

1. **The site lies in open countryside outside a settlement boundary and is not supported by any agricultural or other relevant justification for development in such an area. The proposed development would thereby be contrary to the following policies and the interests they seek to protect:**

**Planning Policy Guidance PPS7**

**Hereford & Worcester County Structure Plan Policy H20**

**South Herefordshire District Local Plan Policies SH11, C1 and GD1**

**Herefordshire Unitary Development Plan (Revised Deposit Draft) Policies H7 and S1.**

2. **The site lies on the line of the Rotherwas Access Road as shown on the proposals maps of the South Herefordshire Local Plan and the emerging Unitary Development Plan. The development of the site for residential purposes would compromise the implementation of the proposed road which is an important part of the highway strategy for Hereford. The proposal would thereby also be contrary to the following policies:**

**Hereford & Worcester County Structure Plan Policies T9 and T10  
Herefordshire Unitary Development Plan (Revised Deposit Draft) Policy T10  
South Herefordshire District Local Plan Policy T1**

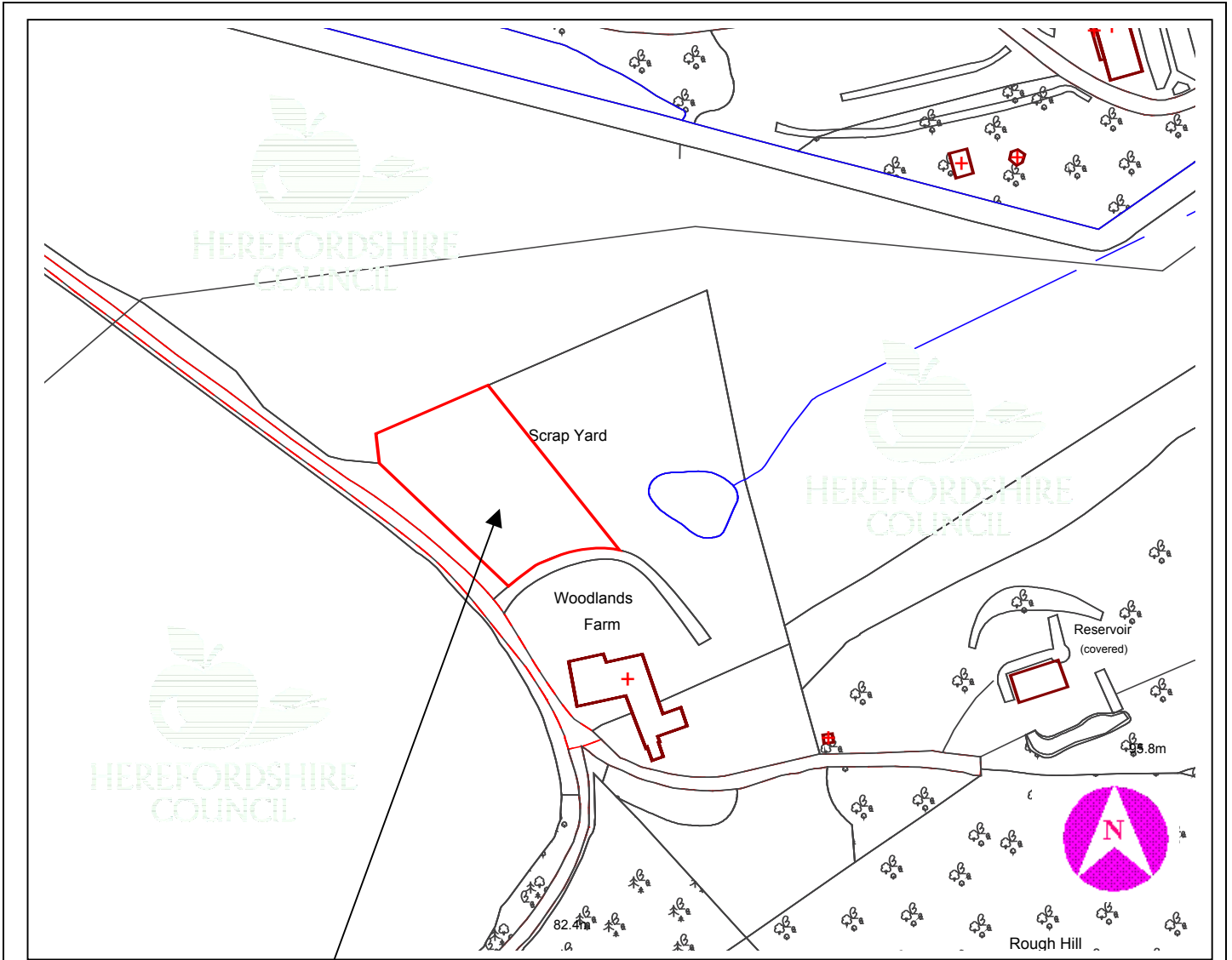
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Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** SH950300PF

**SCALE:** 1 : 1250

**SITE ADDRESS:** Woodlands Farm, Watery Lane, Dinedor, Hereford



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**14A DCCE2005/2079/F - PROPOSED DEMOLITION OF EXISTING BUILDING AND ERECTION OF 6 FLATS. 43 CATHERINE STREET, HEREFORD, HEREFORDSHIRE, HR1 2DU**

**For: Mr. & Mrs. R. McGowan, per David Edwards Associates, Station Approach, Hereford, HR1 1BB**

**14B DCCE2005/2085/C - PROPOSED DEMOLITION OF EXISTING BUILDING AND ERECTION OF 6 FLATS. 43 CATHERINE STREET, HEREFORD, HEREFORDSHIRE, HR1 2DU**

**For: Mr. & Mrs. R. McGowan, per David Edwards Associates, Station Approach, Hereford, HR1 1BB**

**Date Received: 23rd June, 2005**      **Ward: Central**

**Grid Ref: 51282, 40253**

**Expiry Date: 18th August, 2005**

Local Member: Councillor D.J. Fleet

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

1.1 This application seeks permission for the erection of a two storey development of six flats. The application site is located on Catherine Street and is currently occupied by a single storey warehouse/storage building. Conservation Area Consent is required due to the demolition of the existing building found on site.

1.2 The proposal involves the erection of a two storey building fronting Catherine Street. The building is designed to appear from the front as a traditional dwelling characteristic of the local vernacular. The scheme proposes no parking provision or amenity space. In light of comments by the Conservation Manager the scheme has been revised to incorporate a front elevation 'face' to allow for the effective integration of this proposal into the street scene. The proposal has also been revised to remove any habitable openings from the east facing elevation and to enhance the appearance of the west facing elevation.

## **2. Policies**

2.1 Planning Policy Guidance:

PPS1 - General policy and principles  
PPG3 - Housing

## 2.2 Hereford Local Plan:

ENV14	-	Design
H3	-	Design of new residential development
H6	-	Amenity open space provision in smaller schemes
H7	-	Communal open space
H24	-	Land at Catherine Street/Coningsby Street
CON12	-	Conservation areas
CON13	-	Conservation areas - development proposals
CON16	-	Conservation area consent
CON17	-	Conservation area consent - condition
CON18	-	Historic street pattern
CON20	-	Skyline
T5	-	Car parking - designated areas
T6	-	Car parking - restrictions

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

S1	-	Sustainable development
S2	-	Development requirements
S3	-	Housing
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
E5	-	Safeguarding employment land and buildings
H1	-	Hereford and the market towns: settlement boundaries and established residential areas
H2	-	Hereford and the market towns: housing land allocations
H13	-	Sustainable residential design
H15	-	Density
H16	-	Car parking
TCR1	-	Central shopping and commercial areas
T11	-	Parking provision
HBA6	-	New development within conservation areas
HBA7	-	Demolition of unlisted buildings within conservation areas
ARCH7	-	Hereford AAI

**3. Planning History**

- 3.1 P/10522 - Storage and motor car spares for own use and retail sale. Refused 9th July, 1965.
- 3.2 P/10783 - Change of use for storage and motor car spares. Approved 1st October, 1965.
- 3.3 HC/930223PF - Change of use to body repair and re-spray workshop, widen and heighten doorway. Refused 20th July, 1993.
- 3.4 HC/940548/PF - Change of use to printers workshop. Refused 23rd March, 1995.
- 3.5 HC/970434/PF/E - Change of use plumbing and heating storage of materials plus garaging of vehicles. Approved 20th November, 1997.

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

##### Statutory Consultations

- 4.1 Environment Agency: No objection.
- 4.2 Water Authority: No response received.

##### Internal Council Advice

- 4.3 Forward Planning Manager: The development is considered acceptable in principle.
- 4.4 Traffic Manager: No objection subject to conditions.
- 4.5 Conservation Manager: No objection subject to revisions.
- 4.6 County Archaeologist: No objections subject to conditions.
- 4.7 Head of Community and Economic Development: No objection.
- 4.8 Environmental Health Manager: No objection subject to condition.

#### **5. Representations**

- 5.1 Hereford City Council: No response received.
- 5.2 Conservation Advisory Panel: Object on the grounds that the proposal is contrary to policy.
- 5.3 Local Residents: A single letter of objection has been received from the following source:
  - Miss J.A. Pritchard, 10 Catherine Court, Hereford.

The comments raised can be summarised as follows:

- Loss of light;
  - Lack of parking provision;
  - Over development of the area.
- 5.4 The full text of these letters can be inspected at Central Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

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

- 6.1 It is considered that the following issues represent the principal matters for consideration in this application:
  - Principle of development;
  - Design and scale;
  - Residential amenities;
  - Visual amenities and Conservation Area issues;
  - Highways;

- Demolition of existing building.

#### Principle of Development

- 6.2 In the Hereford Local Plan the application site is located within an area of land proposed for extensive high density residential development under Policy H24. The principle of development is therefore considered to be established in the context of this plan.
- 6.3 Turning to the Herefordshire Unitary Development Plan, the application site falls within the defined Central Shopping and Commercial Area and as such Policy TCR1 applies. This policy requires the retention of this area for retail, leisure and commercial activity to ensure the continued vitality and viability of the city centre. This policy has, however, received an objection and as such the degree of weight afforded to it is reduced. The potential loss of an employment site also raised no objection from the Head of Community and Economic Development. On the basis of this it is considered that this development should be considered in the context of the existing adopted Development Plan. It is further suggested that in light of the neighbouring Catherine Court, as well as, the residential properties to the east, a residential development in this location will be complementary and will not prejudice the longer term aspirations of the City.

#### Design and Scale

- 6.4 The proposed development is conservative in appearance and utilises a reflective design concept that echoes the character and appearance of the historic residential development characteristic of this area. The design encompasses a front elevation that acknowledges the Victorian period dwellings to the east. The design is relatively inconspicuous and this is considered appropriate in this setting. The proposal maximises the development potential of the site but it is not considered excessive and the scale is considered acceptable in the context of the locality. Overall this is considered to be a sympathetic scheme which, although of no particular architectural merit, will integrate effectively into the locality.

#### Residential Amenities

- 6.5 The residential properties considered to be within the sphere of influence of this site are found to the north west and east of the application site. By virtue of the siting of this proposal and the removal of habitable openings from the east facing elevation, it is considered that the impact upon the amenities of the affected dwellings will be within acceptable limits. In relation to the amenities of the occupiers of this premise, the lack of amenity space is of note, however, the site constraints prevent the securing of any useable amenity space and the central location of this site allows access to areas of public open space, most notably the 'graveyard' to the east.

#### Visual Amenities and Impact upon Conservation Area

- 6.6 The scheme as originally proposed was faceless and it was considered that the proposal would not integrate effectively into the street scene. The revisions to the scheme have introduced chimney features and a front door, and have created an aspect to the west that allows the development to integrate with the existing street scene and also offers the potential for effective integration with the evolution of this locality. The appearance to the front is reflective of the historic Victorian terrace feel

that was sought. It is considered that these revisions will help this proposal to integrate effectively into the locality without detriment to the visual amenities of the locality and enabling the preservation of the character and appearance of the Conservation Area.

#### Highways

- 6.7 The central location of this site is such that the Traffic Manager considers a car free development to be acceptable. The site has good access to public transport interchanges, as well as, easy access to the town centre and employment opportunities. Cycle parking will be required via condition in the interests of sustainability.

#### Demolition of Existing Building

- 6.8 The existing building on site is considered to be of no architectural or historical interest and its demolition is welcomed from the perspective of the potential gain to the Conservation Area.

#### Conclusion

- 6.9 On balance this scheme is considered to represent an inoffensive proposal that will integrate to an acceptable level with the locality. The scheme is in accordance with planning policy and considered acceptable in all other respects.

### **RECOMMENDATION**

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

**DCCE2005/2079/F:**

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

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

- 5 The applicants or their agents or successors in title shall ensure that a professional archaeological contractor undertakes an archaeological watching brief during any development to the current archaeological standards of, and to the satisfaction of, the local planning authority.**

**Reason: To ensure that the archaeological interest of the site is investigated.**

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

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

**7 E19 (Obscure glazing to windows)**

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

**8 F16 (Restriction of hours during construction)**

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

**9 G01 (Details of boundary treatments)**

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

**10 H29 (Secure cycle parking provision)**

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

**11 During the construction phase, no machinery shall be operated, no process shall be carried out and no deliveries taken at, or despatched from the site outside the following times:**

<b>Monday to Friday</b>	<b>7.00 am – 6.00pm</b>
<b>Saturday</b>	<b>8.00am – 1.00pm</b>

**Nor at any time on Sundays, Bank or Public Holidays.**

**Reason: To safeguard the amenities of the area.**

**Informatives:**

- 1 N01 - Access for all**
- 2 N03 - Adjoining property rights**
- 3 N07 - Housing Standards**
- 4 HN01 - Mud on highway**
- 5 N15 - Reason(s) for the Grant of PP/LBC/CAC**

**DCCE2005/2085/C:**

- 1 CO1 – Time limit for commencement (Listed Building Consent)**

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

- 2 The applicants or their agents or successors in title shall ensure that a professional archaeological contractor undertakes an archaeological watching brief during any development to the current archaeological standards of, and to the satisfaction of, the local planning authority.**

**Reason: To ensure that the archaeological interest of the site is investigated.**

**Informatives:**

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

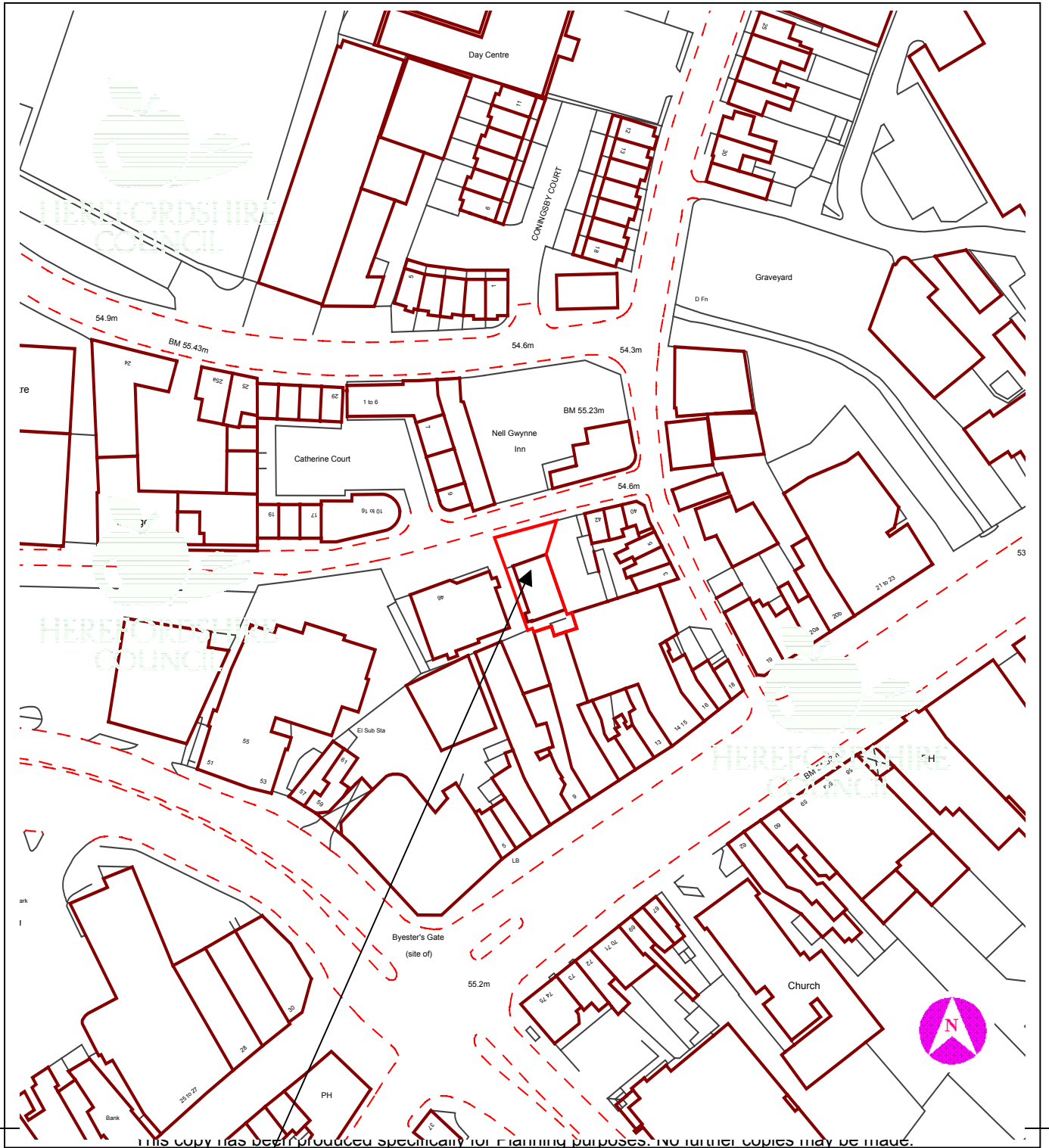
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCE2005/2079/F

**SCALE:** 1 : 1250

**SITE ADDRESS:** 43 Catherine Street, Hereford, Herefordshire, HR1 2DU

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**15 DCCW2005/2661/F - VARIATION OF CONDITION 2 & 3 (HOURS OF WORKING/LOADING/UNLOADING) TO EXTEND OPERATING TIME TO 7.30AM OF PLANNING APPLICATION CW/2005/0207/F AND ALLOW EMPLOYEE ARRIVAL FROM 7.00AM UNIT 2 POMONA WORKS, ATTWOOD LANE, HOLMER, HEREFORD, HEREFORDSHIRE, HR1 1LJ**

**For: T.W. Jones, John Phipps, Bank Lodge, Coldwells Road, Holmer, Hereford, HR1 1LH**

**Date Received: 11th August, 2005 Ward: Burghill, Holmer & Lyde**

**Grid Ref: 51066, 42403**

**Expiry Date: 6th October, 2005**

Local Member: Councillor Mrs S.J. Robertson

**1. Site Description and Proposal**

- 1.1 This application seeks permission for the variation of the hours of work at Unit 2, Pomona Works, Attwood Lane, Holmer, which are currently restricted by virtue of Conditions 2 and 3 attached to planning permission DCCW2005/0207/F.
- 1.2 The application site is used for the distribution of sand and aggregates, including retail, permission for which was secured permanently by virtue of conditions on planning permission DCCW2005/0207/F.
- 1.3 The hours of operation at this site are currently restricted to 8.00am to 6.00pm Mondays to Fridays and 8.00am to 1.00pm Saturdays with no working on Sundays, Bank or Public Holidays. This application seeks permission for an earlier start with operations commencing from 7.30am. It was also requested that employees be permitted to arrive from 7.00am onwards.

**2. Policies**

2.1 South Herefordshire District Local Plan:

- |     |   |   |
|-----|---|---|
| GD1 | - | General development criteria                        |
| ED2 | - | Employment land                                     |
| ED3 | - | Employment proposals within/adjacent to settlements |
| ED5 | - | Expansion of existing businesses                    |
| T3  | - | Highway safety requirements                         |

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

- |    |   |                          |
|----|---|--------------------------|
| S1 | - | Sustainable development  |
| S2 | - | Development requirements |
| S4 | - | Employment               |

S6	-	Transport
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
E6	-	Expansion of existing businesses
E8	-	Design standards for employment sites

### 3. Planning History

- 3.1 CW2002/1738/F - Change of use to storage yard for retail use (retrospective application). Approved (2 year temporary permission) 31st July, 2002.
- 3.2 DCCW2004/0182/F - Construction of 32 dwellings and associated works. Withdrawn 9th September, 2004.
- 3.3 DCCW2004/3085/F - Construction of 32 dwellings and associated works. Refused 9th February, 2005.
- 3.4 DCCW2005/0207/F - Continued use for distribution of sand and aggregates including retail for two years. Approved 20th April, 2005.

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 None

#### Internal Council Advice

- 4.2 Traffic Manager: No objection.
- 4.3 Environmental Health and Trading Standards Manager: No objection subject to conditions.
- 4.4 Economic Development: No response received.
- 4.5 West Mercia Police: No response received.

### 5. Representations

- 5.1 Holmer Parish Council: Advised that the business has expanded in recent years and is now too large an operation to be carried out effectively within the surrounding infrastructure. The road sweeping and wheel cleaning operation that were to be installed on site have not been done satisfactorily. Considerable damage has been done to the road surface. The hedges and verges have been damaged and broken away. Excessive mud and dirt, especially in the winter months, on the corner. The lack of provision of parking for employees is of concern. There are broken telephone lines.
- 5.2 Local Residents: Six letters of objection have been received, one of which being sourced from the Holmer and District Residents' Association. The comments raised can be summarised as follows:

- Lack of restriction on hours of operation on adjoining site is not justification for flexibility on this site;
- The early start will not improve the situation as operations often start as early as 6.00am;
- Business has expanded to a degree that makes its operations unacceptable in terms of the impact caused;
- Location in close proximity to a bend in the highway causes a hazard to highway safety;
- If the business cannot operate within the existing restrictions they should relocate to larger premises;
- Gravel and mud dragged onto the road causes a hazard (wet - mud, dry - dust);
- Operating on a Saturday afternoon is unacceptable;
- Noise, dirt and dust impact unacceptably upon residential amenities;
- Road is unsafe to walk along due to vehicle movements;
- Business operations impact unacceptably upon neighbouring retirement home;
- Existing operations restrict access to emergency vehicles;
- Conditions attached to previous application (DCCW2005/0207/F) have yet to be complied with.

In the interests of clarification it is confirmed that this application does not seek to extend the hours of operation into Saturday afternoon. Only the start time is intended to be altered.

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

## **6. Officers Appraisal**

- 6.1 This application raises two key issues are fundamental to the acceptability of this application, namely highways and operational disturbances.

### Highway Issues

- 6.2 The Traffic Manager has raised no objections to the extension of operating hours. It was confirmed in the previous application (DCCW2005/0207/F) that traffic generation is not considered a problem in respect of this business. Attwood Lane is very lightly trafficked outside the peaks. Furthermore, it was evident from muddy tracks on the road that most, if not all site traffic assigns to the south which does not have any residential frontages. The Lane also widens out significantly south of the residential access, and visibility at the junction with Roman Road is excellent. Were the present use to cease it is likely that it would be replaced with a similar use, generating similar traffic levels. Notwithstanding these comments, the previous application also acknowledged the mud and gravel on the carriageway and recognised the hazard this represents. However, this is not a planning issue in respect of this application but rather is a legal issue and a matter for the Highways Division to pursue. This matter remains under investigation. On this basis, and in consideration of the limited time extension requested, it is considered that this application is acceptable in relation to highway matters.

### Amenity Issues

- 6.3 Turning to operational disturbances, the Environmental Health Manager advises that the parking of workers' vehicles, the application for a housing development, broken telephone lines and the speed of vehicles are not issues that are directly related to the current application and would all still be issues regardless of the opening hours of the

site. As would concerns over damage to the road surface and to hedges and verges. The amount of dust/dirt generated by the variation would, it is considered, have only a very limited impact on the amount of dust on the road. Therefore, noise is the primary concern with regards to this application. The Environmental Health and Trading Standards Manager has received no complaints regarding noise. The earlier opening/operating time requested is considered to represent a modest additional effect with the totality of the impact remaining within acceptable limits. That said, it is considered that it would not, however, be acceptable to vary the permitted hours on Saturdays having regard to the characteristics of weekend residential activity.

- 6.4 The earlier arrival of the employees will not cause a detrimental impact on the basis that they will be restricted from undertaking any operations, however, it is considered that a thirty minute window is excessive and the proposed condition restricts the arrival of employees to 15 minutes in advance of the hours of operation.
- 6.5 On balance it is considered that the limited variation in hours of operation will result in a limited additional impact that is not sufficient to warrant refusal of permission.

## **RECOMMENDATION**

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

- 1 The permission hereby granted is an amendment to planning permission DCCW2005/0207/F and, otherwise than is expressly altered by this permission, the conditions attached thereto remain.**

**Reason: For the avoidance of doubt.**

- 2 The hours during which working may take place shall be restricted to 7.30am to 6.00pm Mondays to Fridays and 8.00am to 1.00pm on Saturdays. There shall be no such working on Sundays, Bank or Public Holidays.**

**Reason: To safeguard the amenities of the locality.**

- 3 The loading and unloading of service and delivery vehicles together with their arrival and departure from this site shall not take place outside the hours of 7.30am to 6.00pm Mondays to Fridays and 8.00am to 1.00pm on Saturdays, nor at any time on Sundays, Bank or Public Holidays.**

**Reason: To safeguard the amenities of the locality.**

- 4 Employees shall not enter or leave the site, other than for emergency access, more than 15 minutes before the permitted commencement hours of operation. No working, loading or unloading or any associated activities shall take place outside the restrictions confirmed in Conditions 2 and 3.**

**Reason: To safeguard the amenities of the locality.**

## **Informatives:**

- 1 N03 - Adjoining property rights**
- 2 N15 - Reason(s) for the Grant of PP/LBC/CAC**

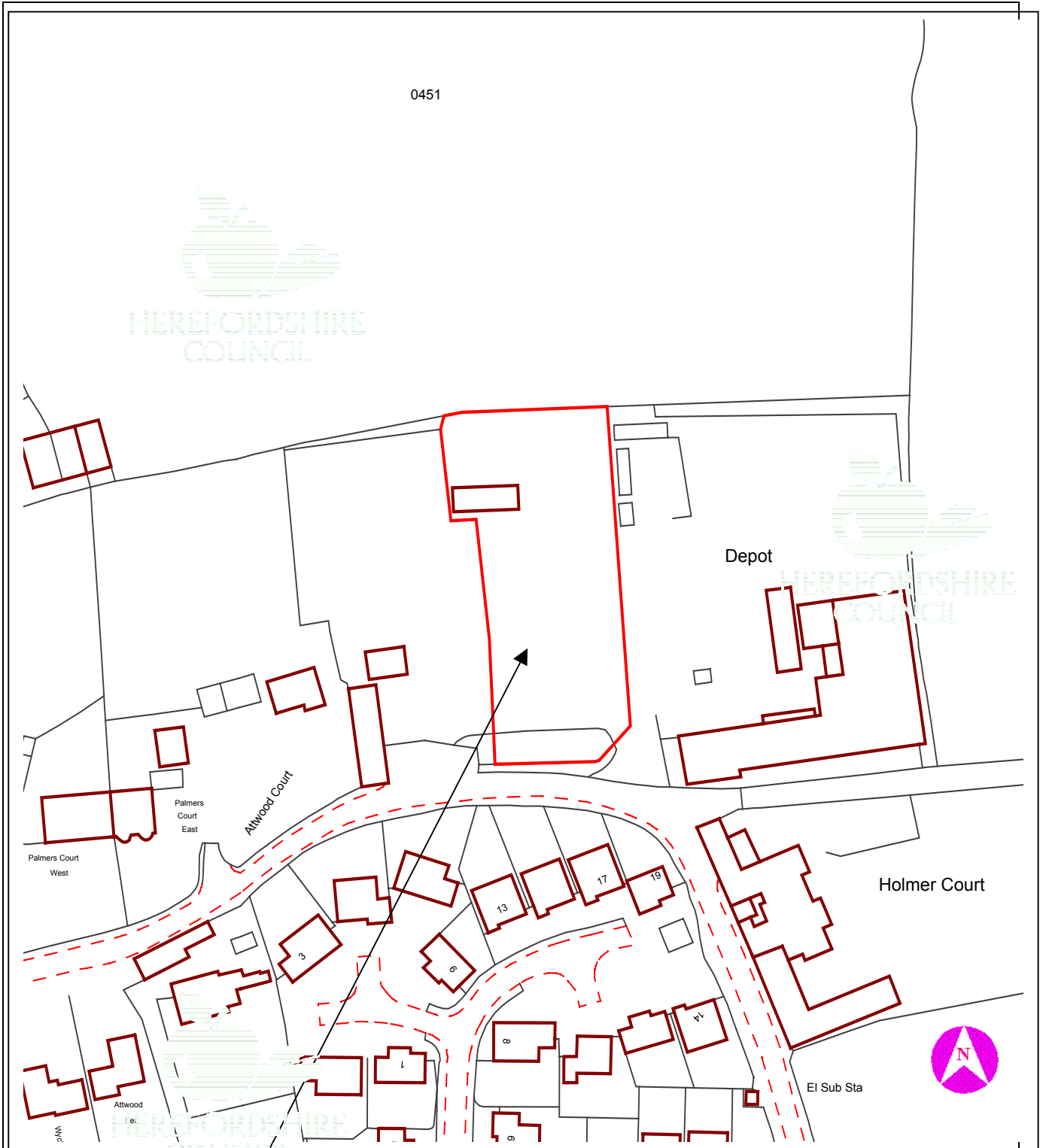
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCW2005/2661/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Unit 2 Pomona Works, Attwood Lane, Holmer, Hereford, Herefordshire, HR1 1LJ

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## **16 DCCE2005/2426/F - PROPOSED NEW DWELLING WITH GARAGE. NEW RENTS, LUGWARDINE, HEREFORD, HEREFORDSHIRE, HR1 4AE**

**For: Mr. & Mrs. Patterson, RRA Architects, Packers House, 25 West Street, Hereford, HR4 0BX**

**Date Received: 11th August, 2005      Ward: Hagley      Grid Ref: 54985, 41084**

**Expiry Date: 6th October, 2005**

Local Member: Councillor R.M. Wilson

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

- 1.1 The application seeks permission for the erection of a detached dwelling adjacent to the stable building found to the rear of New Rents, Lugwardine. This proposal seeks consent for a two storey dormer style dwelling house located in the rear corner of the existing garden area. The application also involves an attached double garage which is to be linked to the detached garage associated with the new dwelling approved adjacent to New Rents (DCCE2004/3595/F). New Rents is a detached two storey dwellinghouse with two unimplemented extant permissions (DCCE2004/3595/F and DCCE2004/3601/F) allowing for the erection a new dwelling adjacent to New Rents, as well as, the conversion of the stable building to a dwelling. The application site is the last piece of this wider site. The current site is within both the settlement boundary and the Conservation Area of Lugwardine.
- 1.2 The site is between St Peter's Close and Traherne Close, to the west of St Peter's Church, on the northern side of the roadway. The existing site is served by an access point to the west, adjacent to the property. There is a paddock area to the rear of the site. The settlement boundary of Lugwardine runs to the rear of the application site.
- 1.3 A previous application (DCCE2005/1437/F) was submitted for the development of this area of the New Rents site. This was the same in design and scale as the approved new dwelling to be located to the front of the site. This application was withdrawn after Officer concern was expressed over the design and scale of the proposal. This application is intended to reflect the character of the area to the rear of the site, particularly the barn and the single storey properties to the east.

### **2. Policies**

#### **2.1 Planning Policy Guidance:**

- PPG1 - General Policy and Principles
- PPG3 - Housing
- PPG15 - Planning and the Historic Environment

#### **2.2 Hereford & Worcester County Structure Plan:**

- CTC13 - Building of special architectural interest
- CTC15 - Preservation, enhancement and extension of conservation areas

### 2.3 South Herefordshire District Local Plan:

GD1	-	General development criteria
C23	-	New development affecting conservation areas
SH6	-	Housing development in larger settlements
SH8	-	New housing development in larger villages
SH14	-	Siting and design of buildings
T3	-	Highway safety requirements
T4	-	Highway and car parking requirements

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

S1	-	Sustainable development
S2	-	Development requirements
S6	-	Transport
DR1	-	Design
T11	-	Parking provision
H4	-	Main villages: settlement boundaries
H13	-	Sustainable residential design
H15	-	Density
H16	-	Car parking

## 3. Planning History

- 3.1 DCCE2005/1437/F - Proposed new dwelling with detached garage. Withdrawn 18th July, 2005.
- 3.2 DCCE2004/3601/F - Conversion of outbuilding to form detached dwelling. Approved 12th January, 2005.
- 3.3 DCCE2004/3595/F - Proposed dwelling with garage.
- 3.4 SH980029/LE - Site clearance of barn. Conservation Area Consent 27th February, 1998.
- 3.5 SH94440PF - Restoration of outbuilding to form dwelling. Undecided 10th May, 1995.
- 3.6 SH930922PF - Replacement boundary wall. Approved 10th September, 1993.
- 3.7 SH930564PF - Replacement boundary wall. Approved 30th June, 1993.
- 3.8 SH910084/DX - Remove two trees. No objection, 26th February, 1991.

## 4. Consultation Summary

### Statutory Consultations

- 4.1 The Water Authority raised no objection, subject to conditions.

### Internal Council Advice

- 4.2 The Traffic Manager raised no objections subject to conditions.



4.3 The Conservation Manager raised no objection.

4.4 Public Rights of Way Manager raised no objections.

## 5. Representations

5.1 Lugwardine Parish Council objected to this application on the following grounds:

- The proposed house is out of proportion to the size of the plot;
- It is situated right on the boundary;
- The upstairs openings will result in a loss of privacy to St Peter's Close;
- This application is creeping development.

5.2 Three letters of objection have been received in relation to this application. The comments made can be summarised as follows:

- Loss of privacy;
- Inappropriate design;
- Incongruous within the locality;
- A previous application for two bungalows (DCCE2002/1730/F) was refused due to the impact upon the Conservation Area;
- Undesirable site layout;
- Concern over opening up of the paddock to the rear for future development.

For clarification purposes it is confirmed that application DCCE2002/1730/F sought permission for two bungalows on a site north of St Peter's Close. This application was refused as this site fell outside of the settlement boundary of Lugwardine, as well as for its unacceptable impact upon the open countryside and Conservation Area.

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

## 6. Officers Appraisal

### Principle

6.1 The site is located inside the Lugwardine Settlement Boundary and as such the development is, in principle, in accordance with planning policy. The key issues in this application therefore relate to the details of the scheme.

### Design and Siting

6.2 The design of this proposal has been informed by Conservation Manager and Planning Officer advice. The previous application on this site (DCCE2005/1437/F) was considered excessive in scale and inappropriate in design for this rear site. This application now seeks permission for a property intended to reflect the more modest stable building currently found to the rear, as well as recognise the character and appearance of the residential development to the east (St Peter's Close). The proposal is a two storey dormer style development but effort has been made to keep the ridge height as low as practicable. The result is a property with a ridge height only 1.5 metres higher than that of the single storey stable adjacent. The site levels will also ensure that this property is of an appropriate scale having regard to the single storey properties to the east. The design is considered effective in this location,

working well with the stable building and garaging associated with the new dwelling at the front of the site to form a courtyard area. Consequently the design and scale of this proposal is considered acceptable.

#### Residential Amenities

- 6.3 The proposal has recognised the proximity of this development to the residential development to the east and has been designed with no first floor habitable opening in the east facing elevation. Furthermore, the closest dormer window opening in the rear elevation is an obscure glazed bathroom window, minimising the potential overlooking to the northeast. The levels on site are such that ground floor openings in the east facing elevation are not considered problematic and this, together with the scale of the proposal, ensure that there is no unacceptable overbearing impact or loss of privacy associated with this development. It is considered that there are no unacceptable impacts within the site. Appropriate conditions will ensure the continuing privacy of the neighbouring properties.

#### Conservation Area and Visual Amenity

- 6.4 The proposed dwelling has been designed and sited so as to integrate into the site effectively and does not represent an incongruous feature in the area. The formation of a courtyard concept with the New Rents site is considered effective. It is therefore considered that the proposal preserves the character and appearance of the Conservation Area and that no harm will be caused to the visual amenities of the locality.

#### Access

- 6.5 The access proposals are in accordance with the previously approved schemes on site and remain acceptable.

#### Other Issues

- 6.6 Concern has been expressed over the potential for this development to open up the way for the wider development of the paddock area to the rear. This land falls outside of the Lugwardine Settlement Boundary and as such any proposal relating to it would be assessed on the basis of it being in the open countryside adjacent to a settlement, with the strict policy implications associated with this. An access drive is included within the site layout to ensure that the paddock can be accessed.
- 6.7 The proposed conditions reflect those imposed on the extent permissions on site to ensure effective control over development of the whole site.

### **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 C04 (Details of window sections, eaves, verges and barge boards)
- Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.
- 4 C05 (Details of external joinery finishes)
- Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.
- 5 E17 (No windows in side elevation of extension)
- Reason: In order to protect the residential amenity of adjacent properties.
- 6 E19 (Obscure glazing to windows)
- Reason: In order to protect the residential amenity of adjacent properties.
- 7 G01 (Details of boundary treatments)
- Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.
- 8 G04 (Landscaping scheme (general))
- Reason: In order to protect the visual amenities of the area.
- 9 G05 (Implementation of landscaping scheme (general))
- Reason: In order to protect the visual amenities of the area.
- 10 G17 (Protection of trees in a Conservation Area)
- Reason: To ensure the proper care and maintenance of the trees.
- 11 H03 (Visibility splays)
- Reason: In the interests of highway safety.
- 12 H05 (Access gates)
- Reason: In the interests of highway safety.
- 13 H08 (Access closure)
- Reason: To ensure the safe and free flow of traffic using the adjoining County highway.
- 14 H09 (Driveway gradient)
- Reason: In the interests of highway safety.

**15 H12 (Parking and turning - single house)**

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

**16 W01 (Foul/surface water drainage)**

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

**17 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.**

**18 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 N03 - Adjoining property rights**

**2 HN01 - Mud on highway**

**3 HN02 - Public rights of way affected**

**4 HN05 - Works within the highway**

**5 HN10 - No drainage to discharge to highway**

**6 The site lies adjacent to a public footpath (LU9) which runs along the eastern boundary. This right of way should remain at its historic width and suffer no encroachment or obstruction during or the time of completion. The right of way should remain open at all times throughout the development. If development works are perceived to be likely to endanger members of the public then a temporary closure order should be applied for, 6 weeks in advance of work starting.**

**7 N16 - Welsh Water Informative**

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

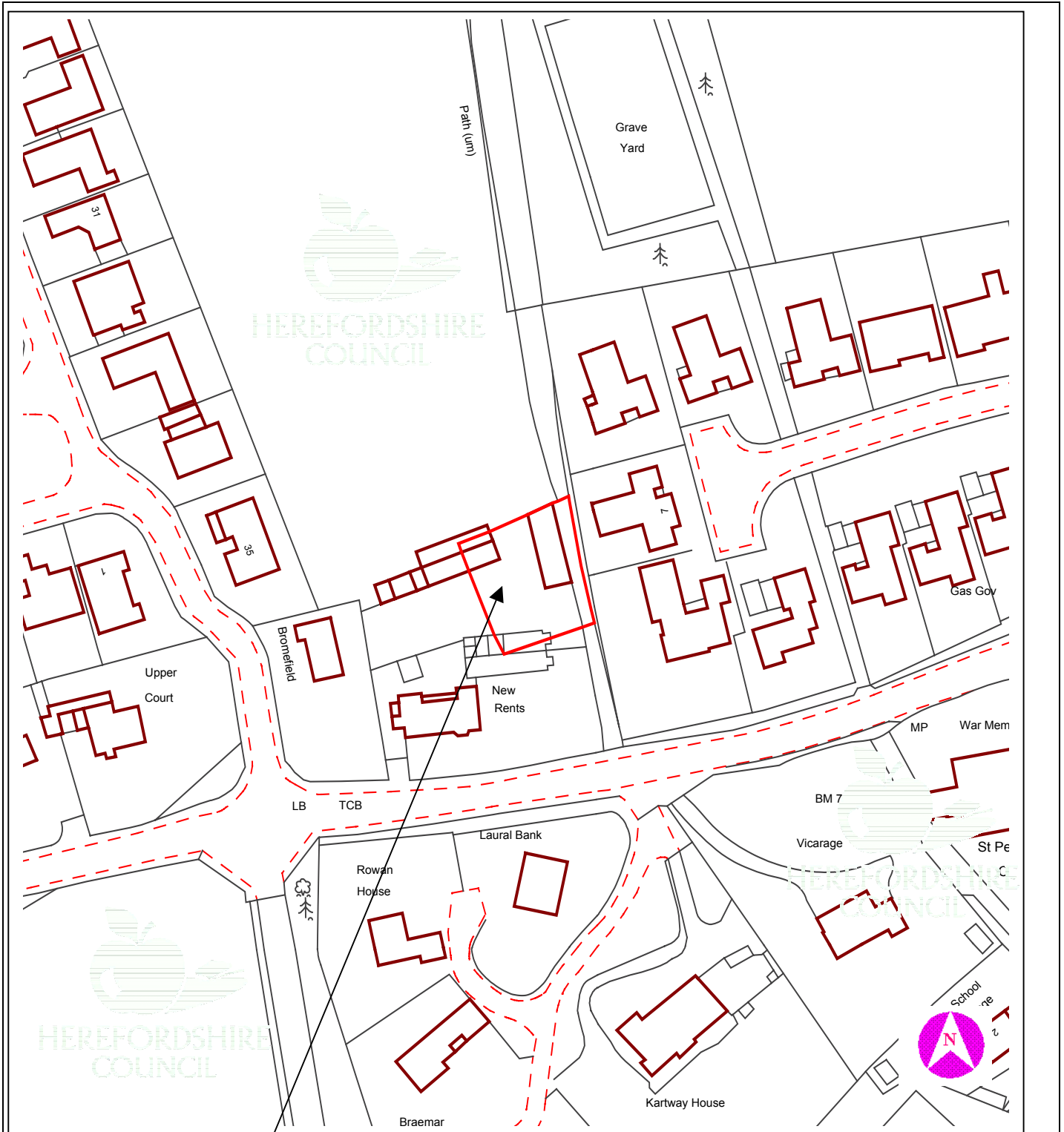
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCE2005/2426/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** New Rents, Lugwardine, Hereford, Herefordshire, HR1 4AE

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**17 DCCE2005/2442/F - REMOVAL OF CONDITION 3 OF PLANNING PERMISSION CE2000/0855/F J D WETHERSPOONS 49-53, COMMERCIAL ROAD, HEREFORD, HEREFORDSHIRE, HR1 2BP**

**For: J D Wetherspoon PLC, Hephher Dixon, 100 Temple Chambers, Temple Avenue, London, EC4Y 0HP**

**Date Received: 25th July, 2005      Ward: Central**

**Grid Ref: 51386, 40213**

**Expiry Date: 19th September, 2005**

Local Member: Councillor D.J. Fleet

**1. Site Description and Proposal**

1.1 The site is located on the southern side of Commercial Road near the junction with Union Walk in Hereford City. A pitched roof brick building occupies the majority of the site which is used as a public house known as The Kings Fee. A vehicular access runs to the east leading to a service yard and outside seating area to the rear (south). The site lies within a Conservation Area, an Area of Archaeological Importance and the Central Shopping Area with the frontage being designated as Secondary Shopping Frontage as defined in the Hereford Local Plan.

1.2 Planning permission was approved on appeal on 30th January, 2001 for a new public house subject to conditions. Condition 3 states that:

The premises shall not be open to customers outside the hours of 8am to midnight on any day.

1.3 This application seeks the removal of Condition 3.

**2. Policies**

2.1 Planning Policy Statement 6 – Planning for Town Centres  
Circular 11/95 – The Use of Conditions in Planning Permissions

2.2 Hereford Local Plan:

ENV17 - Safety and security  
CON12 - Conservation areas

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft):

DR13 - Noise  
TCR1 - Central shopping and commercial areas  
TCR2 - Vitality and viability  
HBA6 - Development within conservation areas

### 3. Planning History

- 3.1 CE2002/2353/A - Illuminated fascia sign, two projecting signs, applied lettering, amenity boards and menu boxes. Advertisement Consent approved 15th January, 2003.
- 3.2 CE2002/2352/F - Alterations to front, side and rear elevations. Approved 7th January, 2004.
- 3.3 CE2001/1591/F - Alterations to front and rear elevations. Approved 16th August, 2001.
- 3.4 CE2000/0855/F - Application to form new public house including alterations to existing facade, two storey rear extension and external beer garden to rear. Approved on appeal (APP/W1850/A/00/1049412) 30th January, 2001.

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 West Mercia Police: No comments received.

#### Internal Council Advice

- 4.2 Traffic Manager: No objection.
- 4.3 Conservation Manager: The proposal will have minimal impact on Hereford's Built Heritage and therefore will be acceptable.
- 4.4 Environmental Health and Trading Standards Manager: Whilst the reasons for the condition to restrict opening times remain valid, I am of the opinion that in this instance the new licensing regime should provide adequate controls. I therefore do not wish to make any objection to this application.

### 5. Representations

- 5.1 Hereford City Council: Hereford City Council is opposed to this application being granted. The reason for the condition remains unaltered.

### 6. Officers Appraisal

- 6.1 Planning permission was approved on appeal on the 30th January, 2001 for a public house subject to conditions. Condition 3 states that the premises shall not be open for customers outside the hours of 8am to midnight on any day. The reason for the condition given in the Planning Inspector's explanatory comments on conditions states that: *"In the interests of crime prevention and the amenities of nearby occupiers I shall impose conditions regarding hours of use..."*.
- 6.2 On the 24th November, 2005, the Licensing Act 2003 will come into force. This act removes standard licensing hours enabling licensed premises to apply to remain open for longer. In fact, it is stated that the act should:

*"...enable flexible opening hours for premises, with the potential for up to 24 hours opening, seven days a week, subject to consideration of the impact on local residents,*



*businesses and the expert opinion of a range of Authorities in relation to licensing objectives. This will help to minimise public disorder resulting from fixed closing times". (Licensing Act 2003)*

6.3 The four licensing objectives referred to in the above quote which underpin the new act are:

1. The prevention of crime and disorder;
2. Public safety;
3. The prevention of public nuisance; and
4. The protection of children from harm.

6.4 Two premises in the locality have already been granted a license to open until at least 3am on most days (O'Neils and Play Nightclub) with all other public houses and nightclubs and some late night takeaways applying for similar operating hours. Wetherspoons have requested under their license application to be open to the public from 7am till 1.30am Sunday to Thursday and 7am to 3am Friday and Saturday. However, in order for the requested hours to be implemented, if permitted, it is necessary for the relevant planning condition to be removed.

6.5 The condition was clearly felt reasonable and necessary by the Planning Inspector in allowing the appeal decision and the need for some control over operating hours still applies. Circular 11/95 entitled 'The Use of Conditions in Planning Permissions' provides guidance as to the appropriate use of conditions or as in this instance, circumstances where it is appropriate for a condition to be removed.

6.6 A condition should only be retained on a planning permission where it is 1) necessary, 2) relevant to planning, 3) relevant to the development to be permitted, 4) enforceable, 5) precise, and 6) reasonable in all other respects. There is no doubt that the condition meets criteria 2 to 6 of the relevant legislation. The issue for consideration is essentially whether the condition is necessary. In this regard, the Circular states:

*"Other matters are subject to control under separate legislation, yet also of concern to the planning system. A condition which duplicates the effect of other controls will normally be unnecessary, and one whose requirements conflict with those of other controls will be ultra-vires because it is unreasonable."* (Circular 11/95, par. 22)

A condition cannot be justified on the grounds that a concurrent control (in this instance the Local Planning Authority as the licensing authority) is not permanent but is subject to expiry and renewal as is the case with licenses.

6.7 The Circular also states where other controls are available, a condition may, however, be needed when the considerations material to the exercise of the two systems of control are substantially different. In this instance one of the key reasons for imposition of the condition as outlined in the Planning Inspector's appeal decision i.e. crime prevention is one of the principle objectives of the new licensing regime. However, protection of amenity is a related but separate matter. There are a number of residential properties in the locality but many are near to or even above other licensed premises which do not have their hours restricted by planning conditions. It is therefore considered that the removal of the condition will not cause any significant change in local residents amenities.

6.8 Finally, the Circular states:

*“The argument that a condition will do no harm is no justification for its imposition; as a matter of policy, a condition ought not to be imposed unless there is a definite need for it”. (Circular 11/95, par 15)*

6.9 There is therefore insufficient basis to refuse permission on residential amenity grounds and the licensing process will deal with crime and disorder issues. The requirements of Policies ENV 17 of the Local Plan and Policy DR13 of the UDP are therefore satisfied. As such, the condition is no longer needed. The view is supported by the Environmental Health and Trading Standards Manager who does not object to the application.

6.10 Notwithstanding that the condition is no longer considered to be necessary, the longer opening hours requested will place an additional burden on the operation of the existing CCTV system within Hereford generally and on Commercial Road in particular. The existing system does not operate 24 hours and in this particular part of town is only manned until 3am. Wetherspoons along with many other bars and clubs are requesting to remain open until at least 3am which will therefore necessitate the existing CCTV operations to be extended by a minimum of 2 hours and subject to resources, operated 24 hours. Whilst Wetherspoons have their own CCTV security on the premises itself, it is considered reasonable that they along with other bars and clubs contribute towards the continued and extended operation of CCTV in their respective parts of Hereford. Therefore, an annual financial contribution is requested for this purpose. No response has been received from Wetherspoons as yet and therefore a delegated recommendation is required in order that the possibility of a financial contribution under Section 106 of the Planning Act can be discussed and negotiated.

**RECOMMENDATION**

**That Officers named in the Scheme of Delegation to Officers be authorised to negotiate the possibility of a financial contribution towards the operation of CCTV in the locality of the application site and if agreement is reached;**

**The County Secretary and Solicitor be authorised to complete a planning obligation/unilateral undertaking under Section 106 of the Town and Country Planning Act 1990; and**

**Upon completion of the planning obligation the Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission.**

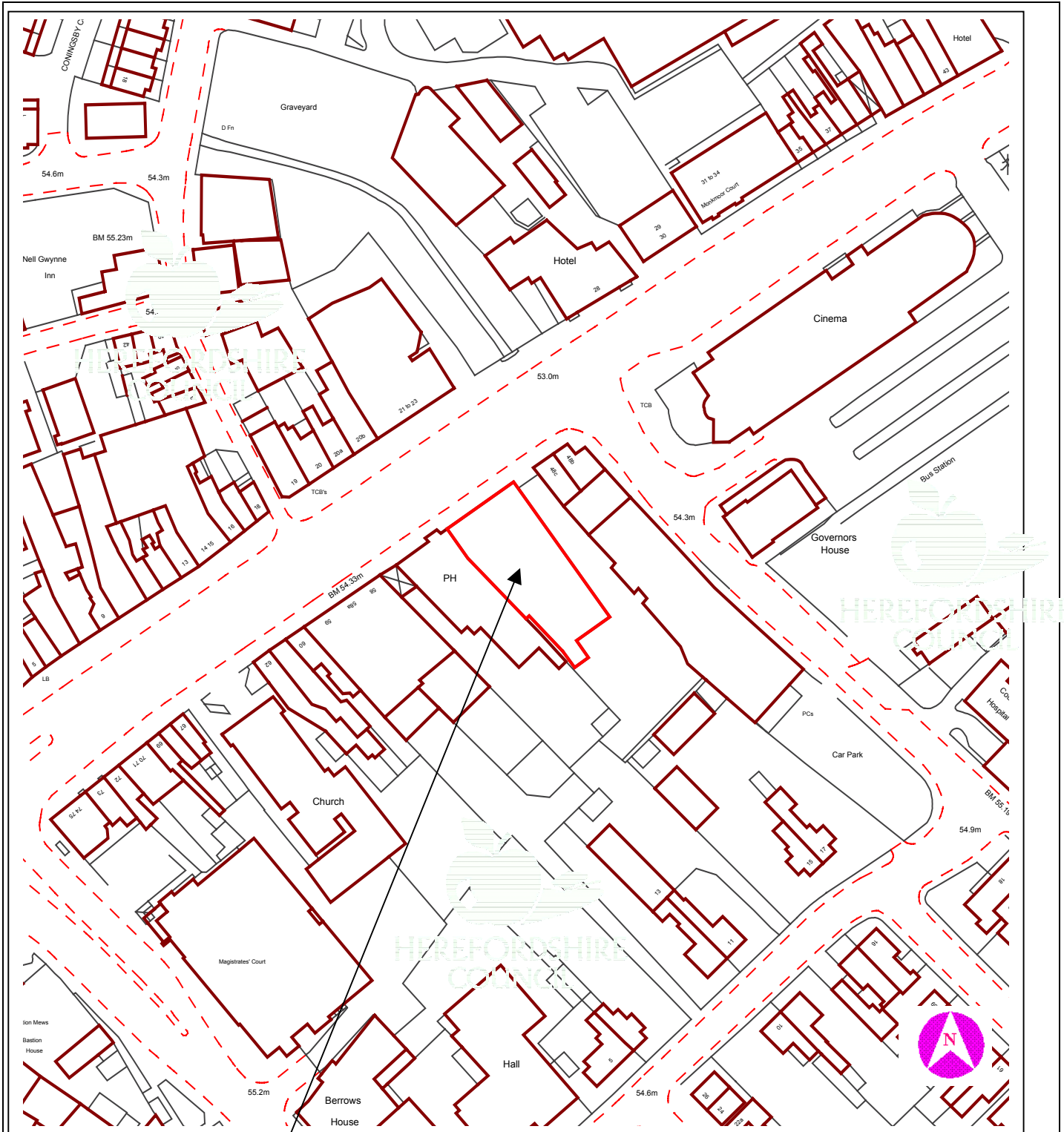
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCE2005/2442/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** J D Wetherspoons 49-53, Commercial Road, Hereford, Herefordshire, HR1 2BP

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Further information on the subject of this report is available from Mr. R. Pryce on 01432 261957



**18 DCCW2005/2481/F - PROPOSED CONVERSION OF SINGLE DWELLING INTO TWO SEPARATE DWELLINGS AT 6 WALNUT TREE AVENUE, HEREFORD, HR2 7JT**

**For: Mr. D. Gianessi per Mr. A. Venables 7 Emlyn Avenue, Whitecross, Hereford, HR4 0JH**

**Date Received: 27th July, 2005**

**Ward: St. Martins & Hinton**

**Grid Ref: 50622, 38729**

**Expiry Date: 21st September, 2005**

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

**1. Site Description and Proposal**

- 1.1 No. 6 Walnut Tree Avenue is a two storey, three bedroom, 1930s style, mid terrace dwelling of four, fronting the north side of the road near to the traffic light junction with Ross Road.
- 1.2 Having brick to ground floor, render to first floor and slate roof, the property is located within an established residential area. To the north is a pair of similar style (semi detached) dwellings, beyond which is another terrace of four.
- 1.3 At the front of the site is a hard standing area which provides off street parking for 3-4 cars.
- 1.4 It is proposed to convert the house into two separate two bedroom residential units by carrying out a relatively simple vertical sub-division and modest internal alterations. External alterations would involve a simple lean-to style porch in the centre of the front elevation and in the rear elevation a relatively minor reorganisation of the ground floor fenestration to provide matching french double doors gaining access to separate rear gardens.

**2. Policies**

2.1 National:

- PPS1 - Delivering Sustainable Development  
PPG3 - Housing

2.2 Hereford Local Plan:

- Policy ENV14 - Design  
Policy H8 - Affordable Housing  
Policy H12 - Established Residential Areas – Character and Amenity  
Policy H13 - Established Residential Areas – Loss of Features  
Policy H14 - Established Residential Areas – Site Factors  
Policy H16 - Alterations and Extensions  
Policy H17 - Conversion of Houses

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

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy H1	-	Hereford and the Market Towns: Settlement Boundaries and Established Residential Areas
Policy H9	-	Affordable Housing
Policy H16	-	Car Parking
Policy H17	-	Sub-division of existing Housing

## 3. Planning History

3.1 None relevant to this application.

## 4. Consultation Summary

### Statutory Consultations

4.1 None.

### Internal Council Advice

4.2 Traffic Manager: No objection.

## 5. Representations

5.1 Hereford City Council: "...considers the proposed development to be overintensive and out of keeping with the established planning form of the area."

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

## 6. Officers Appraisal

6.1 This property lends itself to a relatively straightforward vertical sub-division. Its outward street side appearance would only be altered by the introduction of a lean-to style porch which would normally be regarded as a reasonable addition to the existing house. Likewise the rear fenestration changes are innocuous and would be regarded as permitted development.

6.2 With regard to the use itself and the vertical sub-division, it is considered that this form of occupation and the associated level of activity would not result in an unacceptable impact on the amenity of neighbouring occupiers.

6.3 In considering the effect of the proposal on the character of the established residential area, account has been taken of the representations from Hereford City Council. Whilst it would involve the introduction of an additional residential unit into the existing terrace, the alterations and nature of the use should not be regarded as an over intensive form of development with negative consequences on the character of the area.

6.4 The Traffic Manager has no objection to the grant of planning permission.

6.5 It is considered that the proposal is consistent with the sustainability, affordable housing objectives, and other policy considerations referred to above.

**RECOMMENDATION**

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

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

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

- 2. **The development shall be carried out in all respects strictly in accordance with the approved plans (drawing nos. 118.01, 118.02, 118.03, 118.04, 118.20, 118.21, 118.22 and 118.23) unless otherwise agreed in writing with the Local Planning Authority.**

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

- 3. **B04 (Matching brickwork).**

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

**Informatives:**

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

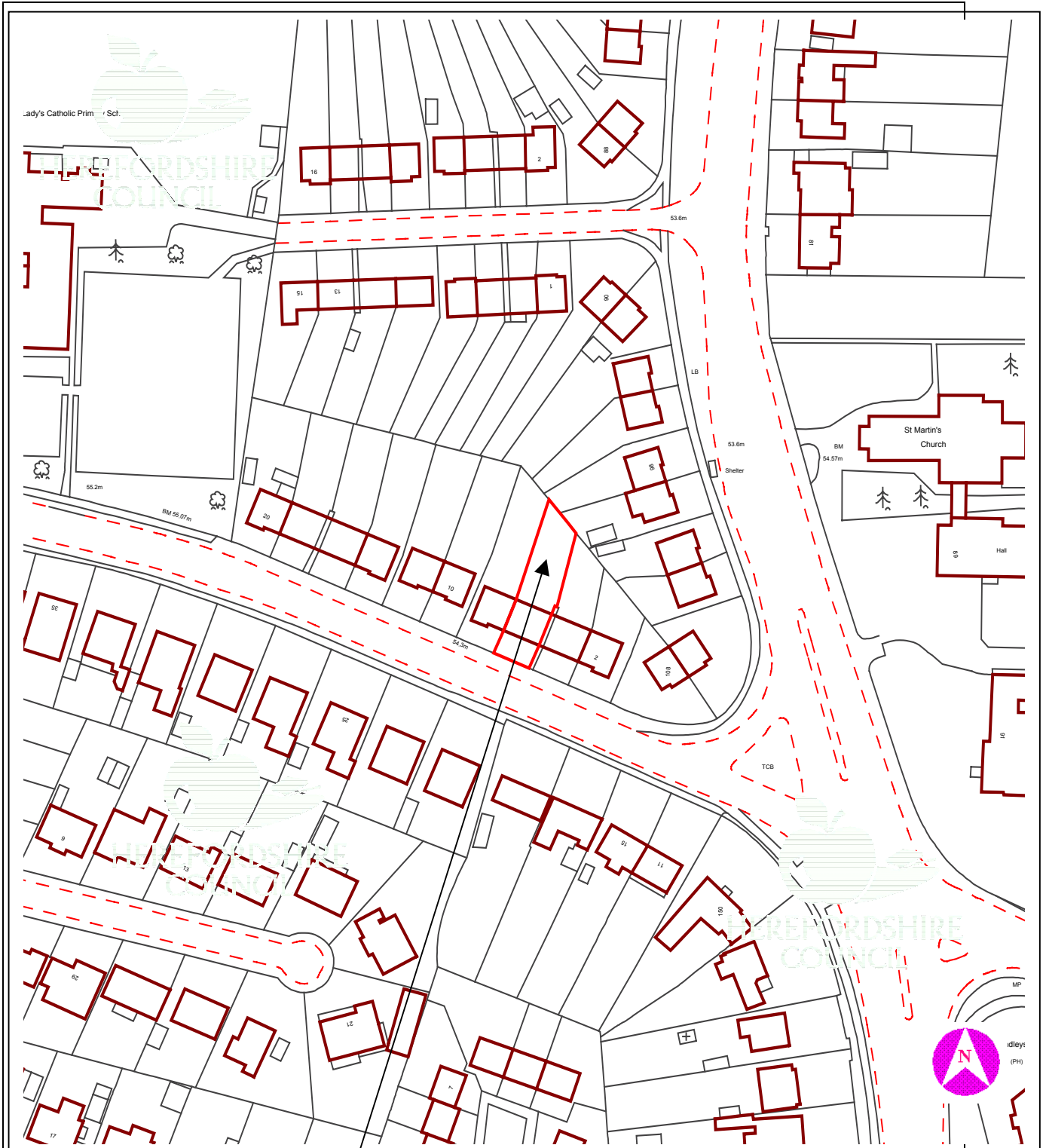
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCW2005/2481/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** 6 Walnut Tree Avenue, Hereford, HR2 7JT

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## **19 DCCE2005/2602/F - GROUND FLOOR ALTERATIONS WITH FIRST FLOOR EXTENSION OVER 5A, FOLLY LANE, HEREFORD, HEREFORDSHIRE, HR1 1LY**

**For: Mr. & Mrs. J. Condon per Mr. Roger, 37 Broomy Hill, Hereford, HR4 0LJ**

**Date Received: 8th August, 2005 Ward: Aylestone**

**Grid Ref: 52542, 40288**

**Expiry Date: 3rd October, 2005**

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

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

- 1.1 This application seeks permission for the erection of a first floor side extension and ground floor alterations to 5A Folly Lane, Hereford. The application site is located to the south of Folly Lane within the established residential area. The application site is home to a detached dwelling house located to the east of No. 7 Folly Lane. The existing property is a detached property with attached single storey projection forming a garage and sitting room.
- 1.2 The proposal seeks permission for the erection of a hipped roof first floor addition above the existing garage and sitting room. The garage and sitting room currently form a single storey side addition running to the rear of the rear elevation of the main dwelling. The first floor addition follows this footprint running to the rear with a gable end. The proposal is intended to provide a guest bedroom, playroom, utility room, and study in place of the existing garage and sitting room. A new door is proposed to the front and the addition is proposed to be finished with render and timber frame cladding to match the existing.

### **2. Policies**

#### **2.1 Planning Policy Guidance:**

PPS1 - Delivering sustainable development

#### **2.2 Hereford Local Plan:**

ENV14 - Design  
H16 - Alterations and extensions

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

S1 - Sustainable development  
S2 - Development requirements  
DR1 - Design  
H18 - Alterations and extensions

### 3. Planning History

3.1 None identified on site.

### 4. Consultation Summary

#### Statutory Consultations

4.1 None.

#### Internal Council Advice

4.2 Traffic Manager: No objections.

### 5. Representations

5.1 Hereford City Council: No objection.

5.2 Local Residents: One letter of objection has been received from the occupiers of number 7 Folly Lane raising the following points:

- Loss of privacy;
- Overbearing impact;
- Impact of construction work.

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

### 6. Officers Appraisal

6.1 It is considered that the following points represent the key issues associated with this application:

1. Principle of Development;
2. Design, Scale and Siting;
3. Residential Amenities;
4. Visual Amenities and Impact upon Conservation Area;
5. Impact upon Protected Trees.

Each of these issues will be considered individually.

#### Principle of Development

6.2 Hereford Local Plan Policy H16 and Herefordshire Unitary Development Plan Policy H18 relate to residential extensions. These policies advise that additions should be in scale and in keeping with the character of the existing building and its surroundings, provide for any increase in car parking provision, have regard to the amenities of nearby residential properties, and be in keeping with the overall character of the area.

6.3 In consideration of the above policies there are no fundamental policy objections to the proposed development. Consequently the acceptability or otherwise of this scheme rests in the details.

### Design and Scale

- 6.4 This proposal seeks permission for a hipped roof addition to a gable-ended property. The result of this is that the existing property will be unbalanced and will appear somewhat awkward. Such a design solution is not ideal and a traditional gable ended addition would certainly integrate more effectively with the existing built form. In this instance, however, the proximity of the addition to the neighbouring property is a significant factor for consideration and a gable-ended addition would increase the overbearing impact and light loss caused by this addition. This matter is discussed more in the subsequent section of this report but it is for this reason that it is considered that this design be given due consideration. The existing property is not of outstanding architectural merit and is not a prominent building within the street scene. In this context the design, though not ideal, will not prove harmful to the appearance of the existing built form and will not represent an unacceptable incongruous feature. The addition will integrate into the roof slope of the existing dwelling but is set down from the ridge. The front elevation is already somewhat complicated visually and as such a set back was not pursued in this instance. Overall it is considered that the desirability of minimising the impact upon the neighbouring property, in combination with the limited merit of the existing property and its lack of prominence, are such that the design and scale are considered acceptable.

### Residential Amenities

- 6.5 The loss of privacy and overbearing impact associated with this proposal is a significant factor for consideration. The existing property is immediately adjacent to the site boundary and the neighbouring property to the west (No. 7) is itself in relatively close proximity to the boundary. The distance between the side elevation of this proposal and the side elevation of No. 7 will be only 2.5 metres. The side elevation of No. 7 also contains windows to habitable rooms, most notable of which are the two rearmost openings which serve a living room and, at first floor level, a bedroom. There will therefore be an undeniable overbearing impact as a result of this addition on these windows. The windows are, however, the secondary openings serving these rooms, both of which are also served by large bay windows. The overbearing impact and light loss to the secondary windows is therefore regrettable but not considered sufficient to resist this application due to the primary windows in the south facing rear elevation. The windows located towards the front of the side elevation will suffer from only a limited impact due to the set back of No. 5A, and the first floor rear addition is not considered to be of sufficient scale to cause an unacceptable impact to the rear.
- 6.6 The design solution proposed minimises the likely overbearing impact and light loss, particularly to the rear. The two rooflight openings are intended to serve a stairwell and bathroom. These will be conditioned with obscure glazing to ensure the maintenance of privacy in No. 7. In consideration of the above issues it is, on balance, considered that the impact upon the residential amenities will be within acceptable limits. No other properties will be adversely impacted upon by this development.
- 6.7 A condition will be attached to ensure that construction takes place during reasonable hours.

### Visual Amenities

- 6.8 Folly Lane is characterised by properties of varying designs and ages and as such here is no single dwelling form or period to relate to. This property is not particularly

prominent in the street scene and of no particular note except possibly for its pastiche effect timber and render cladding which appears a little incongruous in this area. The set back nature of this property, its appearance, and the design and scale of the proposal are such that it is considered that this scheme will not adversely impact upon the street scene.

#### Conclusion

- 6.9 This application does not represent the best design solution available from an architectural perspective but it is the most appropriate in consideration of the residential amenity issues associated with this development. The area is such that this proposal can be accommodated without detriment to visual amenities. The development will undeniably impact upon No. 7 Folly Lane, however, it is important to assess whether the impact is unacceptable. In this instance the existence of south facing rear windows will ensure acceptable conditions within the affected rooms. On this basis it is considered that this application represents an acceptable form of development.

#### **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 B02 (Matching external materials (extension))**

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

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

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

- 5 E19 (Obscure glazing to windows)**

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

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

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

#### **Informatives:**

- 1 N03 - Adjoining property rights.**

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

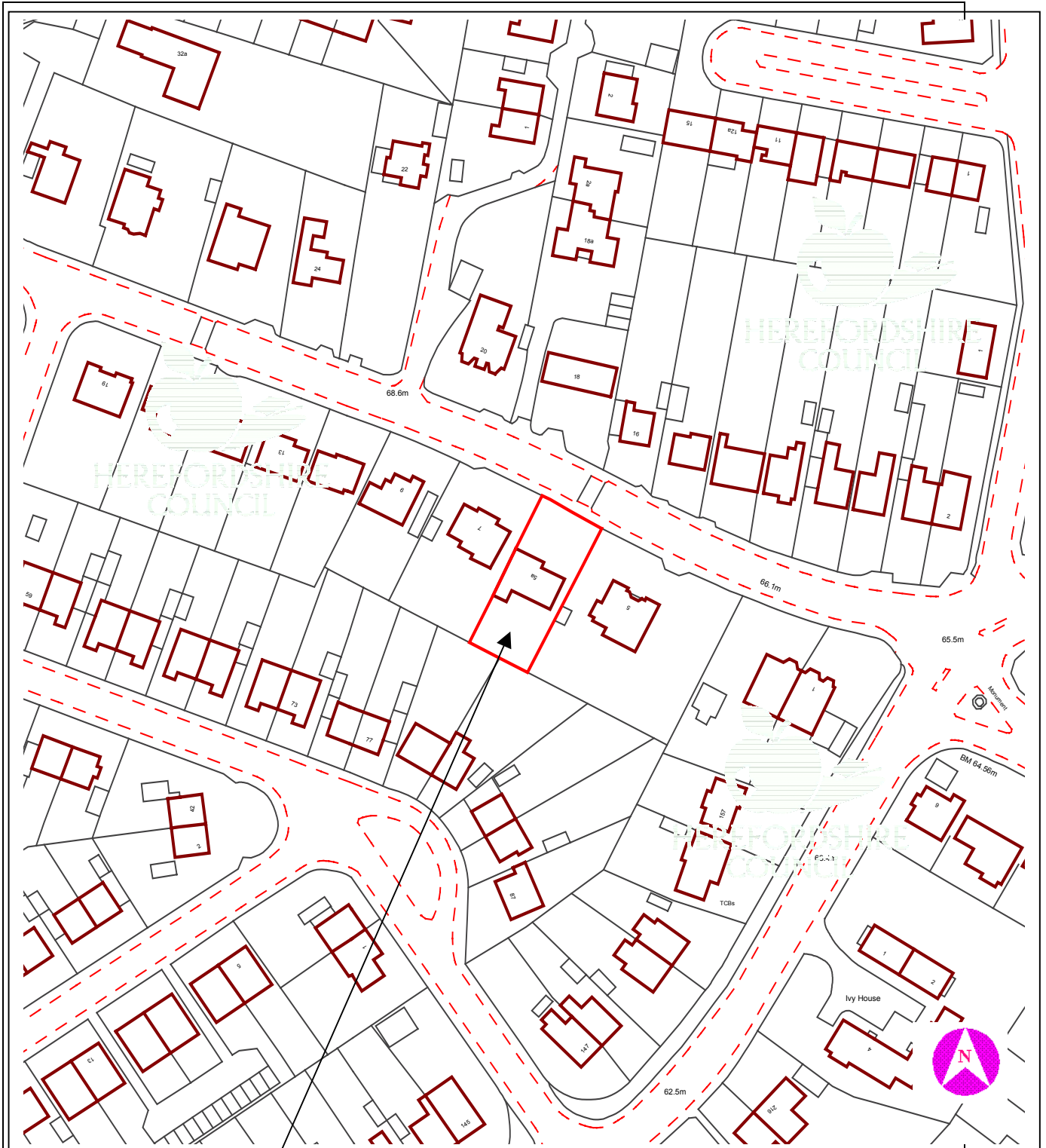
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCCE2005/2602/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** 5A, Folly Lane, Hereford, Herefordshire, HR1 1LY

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