

A G E N D A

Central Area Planning Sub-Committee

Date: **Wednesday, 19th October, 2005**

Time: **2.00 p.m.**

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

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

For any further information please contact:

*Ben Baugh, Members' Services, Tel: 01432
261882*

e-mail: bbaugh@herefordshire.gov.uk



**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
1. APOLOGIES FOR ABSENCE	
To receive apologies for absence.	
2. DECLARATIONS OF INTEREST	
To receive any declarations of interest by Members in respect of items on the Agenda.	
3. MINUTES	1 - 28
To approve and sign the Minutes of the meeting held on 21st September, 2005.	
4. ITEM FOR INFORMATION - APPEALS	29 - 30
To note the Council's current position in respect of planning appeals for the central area.	
APPLICATIONS RECEIVED	
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 and varied conditions and reasons considered to be necessary.	
Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting.	
5. DCCE2005/2426/F - NEW RENTS, LUGWARDINE, HEREFORD, HEREFORDSHIRE, HR1 4AE	31 - 38
Proposed new dwelling with garage.	
Ward: Hagley	
6. DCCW2005/1602/F - 99 DORCHESTER WAY, BELMONT, HEREFORD, HR2 7ZW	39 - 44
New boundary fence.	
Ward: Belmont	

7.	DCCW2005/2861/T - STREETWORKS AT VERGE OPPOSITE GRANDSTAND PUB, GRANDSTAND ROAD, WIDEMARSH, HEREFORD, HR4 9NH	45 - 50
	Installation of telecommunications equipment comprising 15m streetworks monopole, containing 3G antenna and associated mini-equipment cabinet.	
	Ward: Three Elms	
8.	DCCE2005/2392/F - HEREFORD CHARCOAL GRILL, 41 COMMERCIAL ROAD, HEREFORD, HR1 2BG	51 - 56
	Application to vary Condition 1 of CE2000/0427/F to extend opening hours to:- Mon - Tues: 12.00 to 02.00; Wed - Sat: 12.00 to 03.00; Sun: 12.00 to 02.00; Bank Holiday (except Christmas day): 12.00 to 03.00.	
	Ward: Central	
9.	DCCE2005/2024/F - PLAY NIGHTCLUB, 51-55 BLUE SCHOOL STREET, HEREFORD, HR1 2AR	57 - 64
	Application to vary Condition 1 of Planning Inspector's appeal decision CE2000/0448/F to allow opening beyond 1.30 a.m.	
	Ward: Central	
10.	DCCE2005/2132/O - 40 NEWTOWN ROAD, HEREFORD, HEREFORDSHIRE, HR4 9LL	65 - 72
	Erection of 3 dwellings.	
	Ward: Central	
11.	DCCE2005/2799/F - LAND ADJACENT TO 51 LINGEN AVENUE, HEREFORD, HR1 1BY	73 - 78
	Two storey dwelling and widening of access.	
	Ward: Aylestone	
12.	DCCE2005/2619/F - 2 HOLME LACY ROAD, HEREFORD, HEREFORDSHIRE, HR2 6BY	79 - 86
	Change of use of ground floor from class A1 (retail) to class A5 (takeaway).	
	Ward: St. Martins & Hinton	
13.	DCCW2005/2579/F - ASHGROVE CROFT, MARDEN, HEREFORD, HR1 3HA	87 - 94
	Change of use from agricultural to a one family gypsy caravan site, permission for 2 caravans and stable block.	
	Ward: Sutton Walls	
14.	DCCW2005/2681/O - SITE ADJACENT TO ORCHARD LEA, CREDENHILL, HEREFORD, HR4 7EH	95 - 100
	Site for new bungalow.	
	Ward: Credenhill	
15.	DCCW2005/2550/F - LITTLE HOLME, KENCHESTER, HEREFORD	101 - 106
	Proposed replacement dwelling.	

Ward: **Credenhill**

- 16. DCCW2005/2985/F - BANK LODGE, COLDWELLS ROAD, HOLMER, HEREFORD, HR1 1LH** 107 - 112

Retrospective application for general purpose agricultural shed.

Ward: **Burghill, Holmer & Lyde**

- 17. DATE OF NEXT MEETING**

The next scheduled meeting is Wednesday 16th November, 2005.

The Public's Rights to Information and Attendance at Meetings

YOU HAVE A RIGHT TO: -

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.

Please Note:

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

The meeting venue is accessible for visitors in wheelchairs.

A public telephone is available in the reception area.

Public Transport Links

- Public transport access can be gained to Brockington via the service runs approximately every half hour from the 'Hopper' bus station at the Tesco store in Bewell Street (next to the roundabout junction of Blueschool Street / Victoria Street / Edgar Street).
- The nearest bus stop to Brockington is located in Old Eign Hill near to its junction with Hafod Road. The return journey can be made from the same bus stop.

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

COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

FIRE AND EMERGENCY EVACUATION PROCEDURE

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

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

You should then proceed to Assembly Point J which is located at the southern entrance to the car park. A check will be undertaken to ensure that those recorded as present have vacated the building following which further instructions will be given.

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

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

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, 21st September, 2005 at 2.00 p.m.

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

Councillors: Mrs. W.U. Attfield, Mrs. S.P.A. Daniels, P.J. Edwards, J.G.S. Guthrie, R.I. Matthews, J.C. Mayson, Mrs. J.E. Pemberton, Ms. G.A. Powell, R. Preece, Mrs. S.J. Robertson, Miss F. Short, W.J.S. Thomas, W.J. Walling, D.B. Wilcox and R.M. Wilson

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

53. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Mrs. P.A. Andrews, Mrs. E.M. Bew, A.C.R. Chappell, D.J. Fleet, Mrs. M.D. Lloyd-Hayes, J.W. Newman, Ms. A.M. Toon and A.L. Williams.

54. DECLARATIONS OF INTEREST

The following declarations of interests were made:

Councillors	Item	Interest
Mrs. S.P.A. Daniels, Mrs. S.J. Robertson and D.B. Wilcox	Agenda Item 5, Minute 57 DCCE2005/2321/F 4 Carter Grove, Hereford, Herefordshire, HR1 1NT	Mrs. S.P.A. Daniels and D.B. Wilcox declared personal interests. Mrs. S.J. Robertson declared a prejudicial interest and left the meeting for the duration of this item.
D.B. Wilcox	Agenda Item 7, Minute 59 DCCW2004/0394/M Part of O.S. Parcel 2980, Upper Lyde Gravel Pit, Upper Lyde, Herefordshire	Declared a prejudicial interest and left the meeting for the duration of this item.
D.B. Wilcox	Agenda Item 8, Minute 60 DCCW2004/0393/F Moreton Road, Upper Lyde, Hereford	Declared a prejudicial interest and left the meeting for the duration of this item.
J.C. Mayson	Agenda Item 10, Minute 62 [A] DCCW2005/1242/M and [B] DCCW2005/1243/M Wellington and Moreton-on-Lugg Quarries	Declared a prejudicial interest and left the meeting for the duration of this item.

D.B. Wilcox	Agenda Item 13, Minute 65 SH950300PF Woodlands Farm, Watery Lane, Dinedor, Hereford	Declared a personal interest.
-------------	--	-------------------------------

Mr. K. Bishop, Principal Planning Officer, declared a personal interest in respect of Agenda Item 11, Minute 63 (DCCW2005/2394/F) and left the meeting for the duration of this item.

55. MINUTES

RESOLVED: That the Minutes of the last meeting held on 24th August, 2005 be approved as a correct record and signed by the Chairman.

56. 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.

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

First floor extension to existing dwelling.

In response to a question about the impact of the proposal on a protected Scots Pine, the Senior Planning Officer advised that the works would not obstruct the roots of the tree and that the Council's Arboriculturalist had not raised any objections to the scheme. He also drew attention to recommended conditions 6, 7 and 8.

RESOLVED:

That planning permission be granted subject to the following conditions:

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

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

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

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

3. **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.**

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

Erection of two dwellings.

The Principal Planning Officer confirmed that a fatal accident had occurred in 2002 in the vicinity of the junction of the access road with the A438 and that measures had been subsequently taken to improve highway safety; including a 40mph speed limit, slip resistant surface treatment and signs warning of queuing traffic. He added that the Transportation Manager had raised no objections to the proposal.

In accordance with the criteria for public speaking, Mr. P. Smith (the applicant's agent) spoke in support of the application.

Councillor R.I. Matthews, the Local Ward Member, noted the comments of Stretton Sugwas Parish Council and expressed his concerns about the accident record at this junction and the impact of the dwelling on the character of the rural area. It was noted that, in the Appeal Decision relating to a previous application and attached to the report, the Inspector had concluded that the development of only one unit was acceptable but Councillor Matthews felt that two dwellings would have dramatic effect on the rural setting. Therefore, he proposed that the application be refused.

The Principal Planning Officer clarified that the Inspector considered the application site to be within the designated settlement and that the character of the plot related well to the remainder of the settlement. He noted local concerns about highway safety but reiterated that improvements had been made.

A number of Members spoke in support of the Local Ward Member's views and felt that the proposal would result in a feeling of urbanisation and would not provide a natural transition between the settlement and the countryside.

In response to questions, the Principal Planning Officer highlighted sites where other applications had been refused and advised that he could not confirm whether the

Inspector was aware of the entire accident history but he could confirm that the Inspector had visited the site and would have been aware of the characteristics of the area.

The Development Control Manager drew attention to the fact that the Inspector (at paragraph 8 of the Appeal Decision) did not consider that the previous proposal would conflict with policy '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'. He noted Members' concerns about the junction but stressed that the Transportation Manager was satisfied with the proposal. The Central Team Leader added that it was important to maintain consistency and that the Inspector had effectively discounted a number of potential reasons for refusal.

Councillor Matthews maintained his view that the application should be refused and a number of Members supported this motion.

RESOLVED:

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

- 1. Visual intrusion on the edge of the settlement;**
- 2. Out of keeping with the character of the rural area; and**
- 3. Urbanisation.**

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

[Note: Following the vote on this application, the Development Control Manager advised that he would not refer the decision to the Head of Planning Services.]

59. 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.

In accordance with the criteria for public speaking, Mr. F. Bradley spoke on behalf of Lyde Parish Council and Mr. A.W.C. Morris spoke against the application.

In response to comments made by the speakers, the Team Leader (Minerals and Waste) advised that the basic principle regarding this site was that planning permission for the extraction of sand and gravel existed by virtue of the original (1965) planning permission. The application sought to vary a number of conditions that had been placed on the planning permission when it was 'modernised' in 2001, specifically in relation to the reclamation of the site. He noted local residents' concerns about ground water but emphasised that, after a significant exchange of correspondence with the Council and the applicant's agent and the consultant, the Environment Agency had no objection to the proposed variation of conditions subject to conditions. He added that the Council's Environmental Health Officer was satisfied with the consultant's report. Therefore, whilst there could be no absolute

guarantee, the proposal was unlikely to have an impact on ground water. The Team Leader also noted concerns about the stability of the sides of the excavation but commented that the steep sides were very stable and there was no evidence that there would be any impact from slippage. He also clarified matters relating to the proposed excavation boundary.

Councillor Mrs. S.J. Robertson, the Local Ward Member, felt that Herefordshire's countryside was being eroded by quarry activity and other landscape blight. She noted that there was an over provision of gravel and the need for reduced waste in the construction industry. She felt that the Sub-Committee had imposed reasonable conditions in 2001 which would ensure that the impact of the development on the area and on local communities was mitigated. She expressed concern that, even with boundary fencing, the proposed pond would be attractive to children and accidents might occur as a result. Local concerns about human rights matters were mentioned. Councillor Mrs. Robertson noted that no guarantees could be given that water supplies would not be affected and felt that this potential risk should be avoided. Given these considerations, she proposed that the application be refused and the site returned to original levels.

A number of Members spoke in support of the Local Ward Member and expressed their reluctance to vary the conditions, issues discussed included: perceived discrepancies in the information provided; concerns about the potential hazards of a large excavation; fatal accidents in quarry ponds; conditions that had not been adhered to; and the need for adequate boundary fencing and planting.

In response to a question, the Team Leader outlined some potential scenarios if planning permission was refused and the terms of the original planning permission were not adhered to. The Team Leader also commented that the boundary fence was of a higher quality than the Health and Safety Executive required and it was proposed that this be supplemented with a belt of blackthorn to prevent access.

In response to a question, the Team Leader advised that the consultants did not consider that the excavation to below the water table to create the pond was likely to result in a surge of water in this instance.

It was suggested that highway safety was an additional reason for refusal but the Team Leader reminded Members that the proposal would mean that some 320,000 tonnes of material would no longer need to be imported into the site, representing a reduction of at least 15,000 lorry movements.

In response to some comments by Members, the Legal Practice Manager noted that the Sub-Committee was not the appropriate forum to discuss any potential revocation of planning permissions.

RESOLVED:

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

- 1. Health and safety considerations; and**
- 2. Detrimental impact on rural countryside.**

(ii) If the Head of Planning Services does not refer the application to the Planning Committee, Officers named in the Scheme of

Delegation to Officers be instructed to refuse the application, subject to such reasons for refusal referred to above.

[Note: Following the vote on this application, the Development Control Manager advised that he would not refer the decision to the Head of Planning Services.]

60. 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.

In accordance with the criteria for public speaking, Mr. F. Bradley spoke on behalf of Lyde Parish Council and Mr. A.W.C. Morris spoke against the application.

The Team Leader (Minerals and Waste) advised that the application sought to vary a condition which required existing sections of hedge to be translocated and instead plant new sections of hedge. He emphasised that the Conservation Manager had no objection to the proposal and recognised that translocation was unlikely to succeed given the thinness of the soil on site.

Councillor Mrs. S.J. Robertson, the Local Ward Member, noted the concerns of local residents and felt that the ecological and landscape value of this important hedgerow should not be lost.

RESOLVED:

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

1. Loss of biodiversity.

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

[Note: Following the vote on this application, the Development Control Manager advised that he would not refer the decision to the Head of Planning Services.]

61. [A] DCCE2005/2356/F AND [B] DCCE2005/2330/C - CARFAX HOUSE SITE, AYLESTONE HILL, HEREFORD, HR1 1HX

[A] Construction of 16 no. residential units, associated carparking and landscaping and [B] Demolition of Carfax House and associated buildings, replacement residential dwellings.

The Senior Planning Officer reported the receipt of an additional letter of objection from Mrs. A. Cook and an additional letter of support from the applicant's agent.

In accordance with the criteria for public speaking, Mr. A. Bradley spoke against the applications and Mr. D. Benbow (applicant's agent) spoke in support of the applications.

Councillor D.B. Wilcox, a Local Ward Member, noted the need to preserve and

enhance the character and appearance of the Conservation Area and expressed a number of concerns about the proposals. He commented that the existing use of Carfax House for educational purposes, in association with the Hereford College of Technology, meant that there was minimal pedestrian traffic across Aylestone Hill and that this would increase significantly with the proposed residential use of the site. Therefore, Councillor Wilcox felt that the planning contribution requested by the Traffic Manager of £1500 per unit towards the provision of a pedestrian crossing should be insisted upon.

The Senior Planning Officer explained that the development represented an improvement of the existing on site situation through access enhancements and no intensification of vehicle movements. Therefore, a contribution would be desirable but could not be reasonably insisted upon. However, the developer had nevertheless volunteered a contribution of £500 per unit towards highway improvements. The Senior Planning Officer also explained the design approach of the proposals.

A number of Members spoke in support of the Local Ward Member, issues discussed included: highway safety and the need to secure additional improvements; the importance of this site given its location on a prominent entranceway to the City; the need to preserve some of the interior features of the existing building; the architectural and historic value of the existing building; and the lack of affordable housing. Some Members felt that the proposed design approach was unsightly and would not enhance this landmark site.

In response to the concerns of Members, the Development Control Manager clarified the highway issues and the approach taken towards contributions (with reference to Circular 05/2005 – Planning obligations) and noted the Conservation Area requirements (with reference to PPG15 – Planning and the historic environment).

Councillor Wilcox felt that the existing amount of on site parking had been overestimated given that some the parking areas were unauthorised, that the proposed new access arrangements would improve highway safety but the implications of increased pedestrian footfall had not been addressed, and he remained unconvinced about the proposed design of the development.

RESOLVED:

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

- 1. Visual impact; and**
- 2. Fails to preserve or enhance the character and appearance of the Conservation Area.**

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

[Note: Following the vote on these applications, the Development Control Manager advised that he would not refer the decision to the Head of Planning Services.]

62. [A] DCCW2005/1242/M AND [B] DCCW2005/1243/M - WELLINGTON AND MORETON-ON-LUGG QUARRIES

[A] 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 and [B] Variation of condition nos. 2, 3, 4, 7, 8 and 9 of planning permission ref. CW2002/3058/M (Moreton-on-Lugg) to merge operations.

The Team Leader (Minerals and Waste) reported that the Environment Agency had not raised any objections to the applications.

Councillor J.G.S. Guthrie noted that Wellington Parish Council and Moreton-on-Lugg Parish Council were reasonably satisfied with the proposed merge of operations and he explained the recent history of the sites. He also noted that Marden Parish Council had significant concerns about the impact of traffic from the quarries on the village and on the local road network. Therefore, Councillor Guthrie proposed an additional condition to require a transportation scheme to ensure that the lorries were properly routed to and from the A49 and were not permitted to go through Marden. The Sub-Committee supported this proposal.

RESOLVED:

- 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.

63. DCCW2005/2394/F - THE GREYFRIARS HOTEL, GREYFRIARS AVENUE, HEREFORD, HR4 0BE

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.

Councillor Miss F. Short, a Local Ward Member, noted local residents' concerns and proposed an additional condition in respect of site security.

RESOLVED:

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.

64. DCCE2005/2563/F - 15 HOPTON CLOSE, BARTESTREE, HEREFORD, HEREFORDSHIRE, HR1 4DQ

First floor extension to side of property.

RESOLVED:

That planning permission be granted subject to the following conditions:

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

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

2. 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

65. SH950300PF - WOODLANDS FARM, WATERY LANE, DINEDOR, HEREFORD

Erection of two proposed dwellings with adjoining garages.

Councillor W.J.S. Thomas, the Local Ward Member, noted that the applicant had requested that consideration of this application be deferred and felt that this was an appropriate course of action.

In accordance with the criteria for public speaking, Mr. Tannant-Nash had registered to speak on behalf of the applicant but deferred his right to speak until the next

meeting.

RESOLVED:

That consideration of the application be deferred.

66. [A] DCCE2005/2079/F AND [B] DCCE2005/2085/C - 43 CATHERINE STREET, HEREFORD, HEREFORDSHIRE, HR1 2DU

[A] and [B] Proposed demolition of existing building and erection of 6 flats.

The Senior Planning Officer reported the receipt of an additional letter of objection from Mrs. J.A. Pritchard.

In accordance with the criteria for public speaking, Mrs. J.A. Pritchard spoke against the applications.

RESOLVED:

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:

Monday to Friday	7.00 am – 6.00pm
Saturday	8.00am – 1.00pm

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 by 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.

67. DCCW2005/2661/F - UNIT 2, POMONA WORKS, ATTWOOD LANE, HOLMER, HEREFORD, HEREFORDSHIRE, HR1 1LJ

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.

The Senior Planning Officer reported additional correspondence from Holmer Parish Council, Holmer Court Residential Care Home, 4 Belfry Close and 1 Holmer Court.

Councillor Mrs. S.J. Robertson, the Local Ward Member, noted the importance of controlling activity on the site given the close proximity of a residential care home. Councillor Mrs. Robertson suggested that local concerns could be best addressed through a joint meeting between residents, Officers and herself to identify some practical solutions to the difficulties being experienced.

Councillor R.I. Matthews commented that, whilst he had every sympathy for the views of the Local Ward Member, the Authority would have difficulty in defending refusal of planning permission in this instance as a number of other businesses on the site had longer operating times.

The Senior Planning Officer reminded the Sub-Committee that this application related to operating hours only.

RESOLVED:

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.

68. DCCE2005/2426/F - NEW RENTS, LUGWARDINE, HEREFORD, HEREFORDSHIRE, HR1 4AE

Proposed new dwelling with garage.

The Senior Planning Officer clarified the planning history of the application site.

Councillor R.M. Wilson, the Local Ward Member, noted the need to preserve the character and appearance of the Conservation Area and felt that the Sub-Committee would benefit from a site inspection.

RESOLVED:

That consideration of this 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.**

69. DCCE2005/2442/F - J D WETHERSPOONS, 49-53 COMMERCIAL ROAD, HEREFORD, HEREFORDSHIRE, HR1 2BP

Removal of condition 3 of planning permission CE2000/0855/F.

The Legal Practice Manager confirmed that the Regulatory Sub-Committee had recently granted the applicant a license to open for longer and, therefore, it would be inconsistent if planning permission was refused.

RESOLVED:

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.

70. DCCW2005/2481/F - 6 WALNUT TREE AVENUE, HEREFORD, HR2 7JT

Proposed conversion of single dwelling into two separate dwellings.

RESOLVED:

That planning permission be granted subject to the following conditions:

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

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

- 2. The development shall be carried out in all respects strictly in accordance with the approved plans (drawing nos. 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.**

71. DCCE2005/2602/F - 5A FOLLY LANE, HEREFORD, HEREFORDSHIRE, HR1 1LY

Ground floor alterations with first floor extension over.

The Senior Planning Officer reported the receipt of correspondence from the applicant's agent regarding roof light details.

In accordance with the criteria for public speaking, Mr. P. Whaley spoke against the application.

Councillor D.B. Wilcox, a Local Ward Member, noted the concerns of the occupants of the neighbouring dwelling, particularly the potential loss of light and privacy and the overbearing impact that could result from the development.

In response to a question, the Senior Planning Officer confirmed that a condition could be added to ensure that the new windows were obscured, non-opening or escape only. He added that the impact on the neighbouring dwelling might not compromise habitability significantly given the layout of the building.

Councillor W.J. Walling felt that the loss of privacy and overbearing impact associated with this proposal was unacceptable and proposed that the application be refused.

RESOLVED:

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

- 1. Overbearing impact on the adjoining dwelling.**

(ii) If the Head of Planning Services does not refer the application to the Planning Committee, Officers named in the Scheme of

Delegation to Officers be instructed to refuse the application, subject to such reasons for refusal referred to above.

[Note: Following the vote on this application, the Development Control Manager advised that he would not refer the decision to the Head of Planning Services.]

72. DATE OF NEXT MEETING

It was noted that the next meeting would be held on 19th October, 2005.

The meeting ended at 4.25 p.m.

CHAIRMAN

ITEM FOR INFORMATION - APPEALS**APPEALS RECEIVED****Application No. DCCE2005/0260/O**

- The appeal was received on 27th 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 J.M. & C.A. Samwells.
- The site is located at Little Tarrington Lodge Little Tarrington HR1 4JA.
- The development proposed is Site for one and half storey dwelling & detached double garage.
- The appeal is to be heard by Written Representations.

Case Officer: Russell Pryce on 01432 261970

Application No. DCCE2005/0405/F

- The appeal was received on 19th 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 Mr. A. Prosser.
- The site is located at Plot in garden of Lavenda Court Gardens, Fownhope, HR1 4PB.
- The development proposed is Erection of detached bungalow.
- The appeal is to be heard by Written Representations.

Case Officer: Adam Sheppard on 01432 383092

Application No. DCCW2005/1249/F

- The appeal was received on 12th 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 Mr. & Mrs. E.M. Brimfield.
- The site is located at Land adjacent to Dorgar, Shelwick, Hereford, Herefordshire, HR1 3AL.
- The development proposed is Proposed detached dwelling with integral garage.
- The appeal is to be heard by Written Representations.

Case Officer: Peter Clasby on 01432 261947

Application No. EN2005/0036/ZZ

- The appeal was received on 13th September, 2005.
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice.
- The appeal is brought by S.K. Williams.
- The site is located at Outfall Works Road, Bartonsham, Hereford.
- The breach of planning control alleged in this notice is "Without planning permission, unauthorised change of use of the land for general industrial and storage purposes falling within Use Classes B2 and B8 of the Town and Country Planning (Use Classes) Order 1987".
- The requirements of the notice are: Cease the unauthorised business use and permanently remove all storage containers and other associated materials, plant and machinery from the land.
- The appeal is to be heard by Written Representations.

Case Officer: Adam Sheppard on 01432 261961

Application No. DCCE2005/2602/F

- The appeal was received on 4th October, 2005.
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is brought by Mr. & Mrs. J. Condon.
- The site is located at 5A, Folly Lane, Hereford, Herefordshire, HR1 1LY.
- The development proposed is Ground floor alterations with first floor extension over.
- The appeal is to be heard by Written Representations.

Case Officer: Adam Sheppard on 01432 261961

5 DCCE2005/2426/F - PROPOSED NEW DWELLING WITH GARAGE AT NEW RENTS, LUGWARDINE, HEREFORD, HEREFORDSHIRE, HR1 4AE

For: Mr. & Mrs. Patterson per 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

Introduction

Members will recall that the determination of this application was deferred at the Central Area Planning Sub-Committee meeting of 21st September, 2005 in order for a site visit to be held. The site visit took place on the 4th October, 2005.

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. Approved 12th January, 2005.
- 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

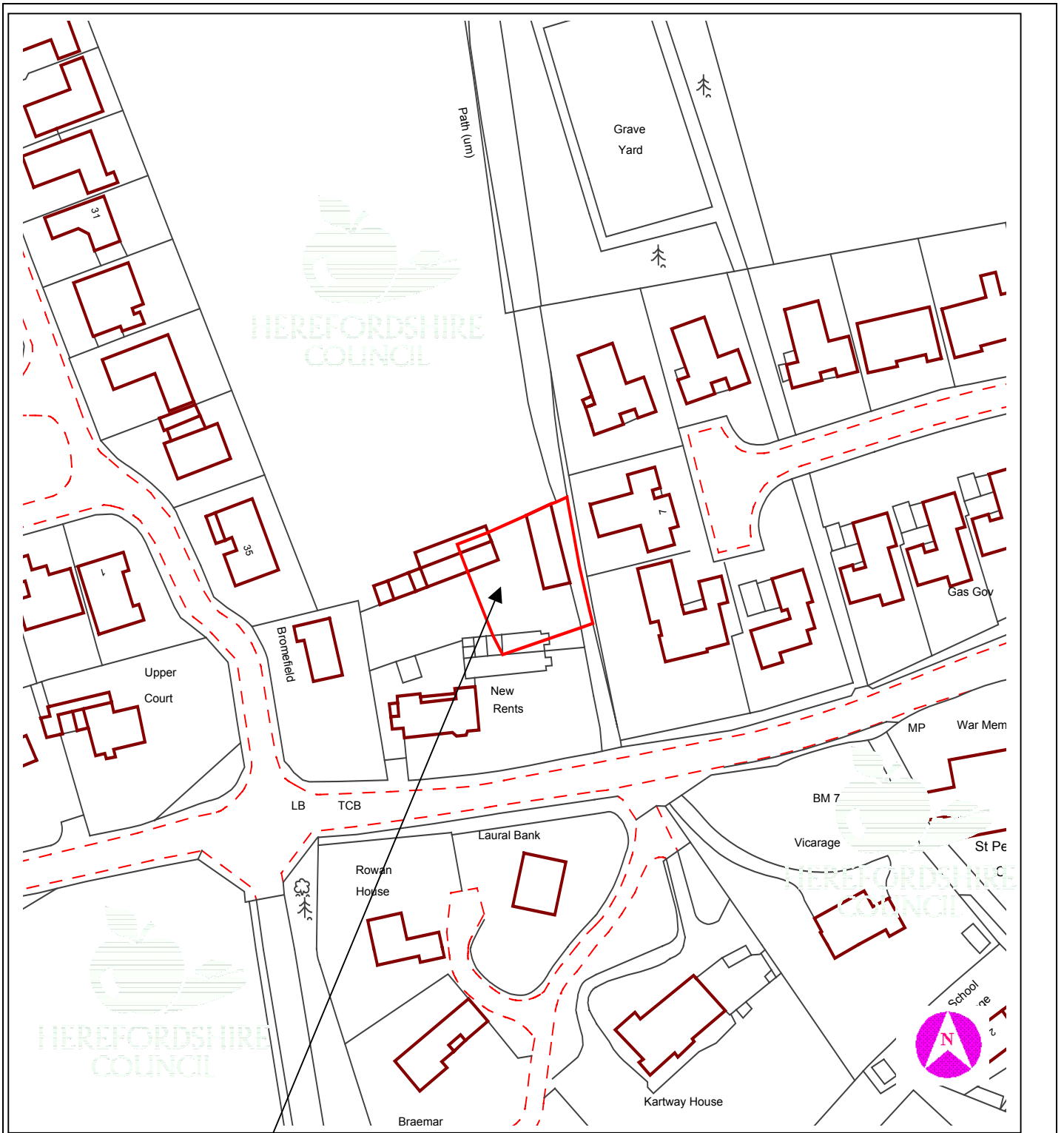
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: DCCE2005/2426/F

SCALE : 1 : 1250

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

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

6 DCCW2005/1602/F - NEW BOUNDARY FENCE AT 99 DORCHESTER WAY, BELMONT, HEREFORD, HR2 7ZW

For: Mr. V.R. Barrell, 99 Dorchester Way, Belmont, Hereford, HR2 7ZW

Date Received: 17th May, 2005 Ward: Belmont Grid Ref: 48544, 38565

Expiry Date: 12th July, 2005

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

Introduction

Members will recall that the determination of this application was deferred at the Central Area Planning Sub-Committee meeting of 29th June, 2005 to enable further discussions with the applicant.

Negotiations have been held with the applicant with a view to achieving an alternative alignment for the proposed fence. These have now been concluded following the receipt of a letter from the applicant dated 23rd September, 2005 which states as follows:-

“.....After receiving professional advice and after careful consideration my wife and I have decided to continue with our original application registered on 17th May 2005 as we believe that No. 101 is not entitled to any more than the standard visibility splay as set out by the Council’s own design criteria. Therefore, I would be grateful if our application could be put before the Planning Committee as soon as possible and hopefully this simple straightforward matter of realignment of a boundary fence can be resolved fairly and quickly.”

In the circumstances it is recommended that the application is considered on the basis of the original report.

1. Site Description and Proposal

- 1.1 The application site is a modern detached house positioned side on to the southern arm of the highway loop in Dorchester Way located to the north west of Belmont. Adjoining to the west is No. 101, another detached house, but fronting Dorchester Way so that its driveway access runs alongside the rear boundary of No. 99.
- 1.2 The rear garden of No. 99 is enclosed by a 1.80 metre high close boarded fence projecting from the side of the house and angled back from Dorchester Way to the boundary with No. 101. This leaves a wedge shaped pocket of open amenity land forming an area of approximately 47 sq. metres between the fence/side wall of No. 99, the back edge of the footpath and the driveway boundary with No. 101. Being within the residential curtilage of No. 99 and indicated on the approved housing layout design as a small landscaped amenity area, it is not formally designated as public open space.
- 1.3 It is proposed to reposition the 1.80 metre high fence in order to enclose most of the open area. The new alignment would project from a point close to the nearside corner of the house then follow, 350 mm away, the back edge of the footway alongside Dorchester Way to a point where it would be splayed back to allow for visibility at the

driveway access serving No. 101. The existing timber fence panels will be used wherever possible and new panels would match. Panels and posts will be stained dark brown.

- 1.4 Fence posts, following the proposed realignment are already in position.
- 1.5 In support of the proposal the applicant states "at present the strip of grass is used as a doggy toilet and as a football/tennis pitch/court used by local jobs. Posts have been erected by previous owners where new fence is required."

2. Policies

2.1 South Herefordshire District Local Plan:

Policy GD1	-	General Development Criteria
Policy C30	-	Open Land in Settlements

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy DR1	-	Design
Policy HBA9	-	Protection of Open Areas and Green Spaces

3. Planning History

- 3.1 SH980323PO Residential development - Land north west of Belmont, Hereford - outline permission granted 03/11/99.
- 3.2 CW2000/3251/RM Erection of 60 no. detached dwelling houses, estate roads and open space - reserved matters approved 20/12/01.
- 3.3 CW2001/1981/RM Proposed substitution of house types on plots 1-60, amending house type designs on 60 plots - reserved matters approved 26/11/01.

4. Consultation Summary

Statutory Consultations

- 4.1 None required.

Internal Council Advice

- 4.2 The Traffic Manager recommends that any permission should include a condition requiring a 2.00 metre x 2.00 metre splay from the back of the footway adjacent to driveway for No. 101 Dorchester Way, for visibility purposes.

5. Representations

- 5.1 Belmont Rural Parish Council wishes to record a strong opposition to this application on the following grounds:
 - The proposals will restrict visibility for nearby residents when existing form their property onto the road, creating a safety hazard;

- The proposed high fencing will detract from the visual amenity of the area in general; and
- The proposal allows the current occupants to increase the size of their garden by taking into the garden a grassed area currently designated as public open space, to the detriment of other local residents. This will create an unfortunate precedent within this Parish.

It is the Parish Council's belief that the fence posts erected by the previous owners of this property have been erected without appropriate permission and not in accordance with the approved plans submitted by the original developer of this site. We recommend that these be removed and the grass reinstated.

5.2 One letter of objection has been received from Mr. D. Watkins, 101 Dorchester Way, Belmont, Hereford, HR2 7ZW. The grounds of objection are:

1. The new boundary fence will greatly affect my visibility/access onto the highway, giving me less than 5.5 metres visibility when reversing my car off my drive. Causing grave danger to myself and my wife and other motorists as well. Though this particular part of Dorchester Way is relatively quiet in terms of vehicles there are often many small children who play in the street and a knock-on effect of having less visibility will be increased danger to them.
2. The price of land referred to by the applicant as "a strip of grass used as a doggy toilet, football/tennis pitch/court by local yobs", was, when the estate was built designated to be a green area, in public view. Since living in my property I have never seen this piece of and used as a "doggy toilet" or a "football/tennis pitch/court" and as far as I am concerned it is not an area where "local yobs" are associated with. The area is however an area the owner of 99 Dorchester Way has an obligation to up keep as part of their ownership of the property. An obligation many property owners have with "designated green areas" on this development, an obligation the owners of 99 Dorchester Way have not fulfilled since moving into their property around 2 months ago, with weeds now waist high in places.
3. Planning consent was granted to Persimmon Homes on the agreement so much of the development was left "green" in public view to improve the overall look of the development, moving this boundary fence will mean "green land" is lost on the estate, harming the overall look of the development.
4. In granting planning permission, Persimmon Homes were obliged to plant so many trees in public view, in moving this boundary fence one of those trees will be lost from public view, again harming the overall look of the development.
5. I further question and ask it to be investigated if the owners of 99 Dorchester Way have ownership rights for this piece of land, to move the boundary fence.
6. The applicant makes reference to the previous owners having discussion with Hereford Planning Authority, the previous owners only had a contact with the local authority when they were written to to inform them that moving this particular boundary fence would be in breach of planning law.

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 proposed new fence alignment would contain a relatively small pocket of open land which may be described as incidental landscaped amenity land and depicted as such on the approved layout drawings for the residential development within which the site is located. It is an area within the ownership of the applicant and residential curtilage of No. 99 Dorchester Way and not public open space.
- 6.2 The relevant planning permission and approvals for the site layout do not restrict permitted development rights governing the means of enclosure for individual residential curtilages. It would be possible therefore, to erect a fence not exceeding a height of 1.00 metres, in the position now proposed, without the benefit of a further planning permission.
- 6.3 Whilst the surrounding housing layout contains extensive open frontages, it is by no means devoid of boundary enclosures particularly where associated with houses that are positioned side on to the road. For example, immediately opposite the application site there is a 1.80 metre high brick boundary wall along the back edge of the footway.
- 6.4 Having regard to the previously mentioned policies, it is judged that the visual amenity value of the land, which it is proposed to enclose is not significant enough to warrant protection as open space. Moreover it is considered that the fence itself would not appear unduly discordant in the street scene or detrimental to the visual amenity of the area. Accordingly the proposal would not conflict with development plan policies.
- 6.5 Concerning matters of highway and public safety, the proposed fence alignment would not conflict with the visibility splay recommended, by the Traffic Manager, for the neighbouring driveway. Subject to a condition safeguarding the visibility splay, it is considered that the realigned fence would not represent an unacceptable obstruction to visibility during the use of the driveway and as such would not prejudice the safety of traffic and pedestrians using Dorchester Way.
- 6.6 In the light of the preceding matters it is considered that the proposal is 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. **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. Within the visibility splay triangle outlined in red on the approved plan nothing shall be planted, erected or allowed to grow in excess of a height of 0.6 metres above the level of the adjoining footway.

Reason: In the interests of highway safety.

Informatives:

- 1. N03 - Adjoining property rights.
- 2. N04 - Rights of way.
- 3. N15 - Reason(s) for the Grant of PP.

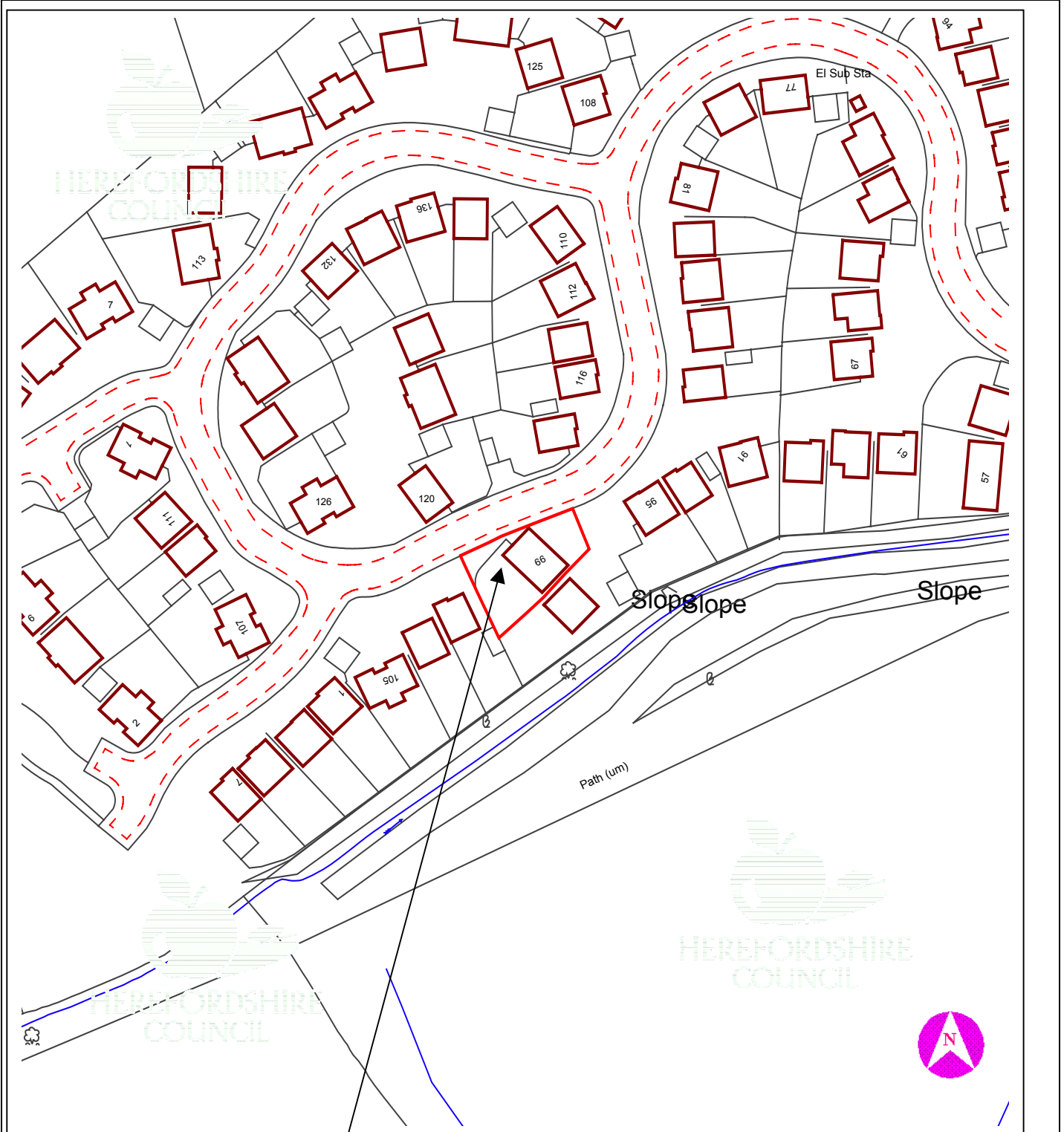
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: DCCW2005/1602/F

SCALE : 1 : 1250

SITE ADDRESS : 99 Dorchester Way, Belmont, Hereford, HR2 7ZW

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

7 DCCW2005/2861/T - INSTALLATION OF TELECOMMUNICATIONS EQUIPMENT COMPRISING 15M STREETWORKS MONOPOLE, CONTAINING 3G ANTENNA AND ASSOCIATED MINI-EQUIPMENT CABINET AT STREETWORKS AT VERGE OPPOSITE GRANDSTAND PUB, GRANDSTAND ROAD, WIDEMARSH, HEREFORD, HR4 9NH

For: O2 UK Ltd per Stappard Howes, Unit 4a, Sovereign Court 2, University of Warwick Science Park, Sir William Lyons Road, Coventry, HR2 7HB

Date Received: 31st August, 2005 Ward: Three Elms Grid Ref: 49862, 41257

Expiry Date: 25th October, 2005

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

1. Site Description and Proposal

- 1.1 This notification is submitted on behalf of O₂ UK Ltd. and is supported by a technical justification in the form of network coverage plots indicating a gap in coverage in respect of the 3G network.
- 1.2 The proposal is for a 15 metre monopole mast and associated equipment cabin, which will be sited on verge to the eastern side of Grandstand Road.
- 1.3 The supporting information includes the standard ICNIRP compliance statement and an appraisal of why the application site has been selected.

2. Policies

2.1 National:

PPG8 - Telecommunications

2.2 Hereford Local Plan:

Policy ENV13 - Telecommunications

Policy ENV14 - Design

Policy H21 - Compatibility of Non-Residential Uses

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy DR1 - Design

Policy CF3 - Telecommunications

3. Planning History

- 3.1 DCCW2005/0549/T 15m high flexicell lamppost pole with shroud, 3 antennas, 2 ground based equipment cabinets and ancillary development thereto. Withdrawn 16th March, 2005.

This application was withdrawn following advice that new telecommunications equipment should whenever possible reduce visual clutter within the built environment by either mast sharing or replacing existing street furniture with a combined unit. The present application has taken this advice into account, and the proposed site was agreed at a pre-application site meeting.

- 3.2 DCCW2005/1086/TT Telecommunications installation. Prior Approval Not Required 5th May, 2005.

Subsequently technical difficulties have prevented the implementation of this development.

4. Consultation Summary

Internal Council Advice

- 4.1 Traffic Manager - no objection.
- 4.2 Head of Environmental Health and Trading Standards - no objection.

5. Representations

- 5.1 Hereford City Council - no objection, but referred to a judgement of the Consistory Court of the Diocese of Lichfield relating to determination by the Diocesan Advisory Committee, which has no relevance to the application before the Local Planning Authority, other than it involved the installation of telecommunications equipment.
- 5.2 Three letters of objection have been received, from Mr. Evans 137 Grandstand Road, Mrs. Davies 127 Grandstand Road and Mrs. Jones 3 Birch Meadow Clehonger, summarised as follows:-

- Mast would be visually detrimental to the amenity of the area.
- Possible health hazard.
- Mast would be a traffic hazard.
- Should be sited elsewhere.

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 principal considerations in determining this application are the impact on the character and appearance of the locality. Reference to health and safety issues will be made later in the appraisal.

Siting

- 6.2 The proposed equipment will enable the provision of 3G services in an area to the west of Hereford, presently not covered by the existing network coverage, and the technical need demonstrated in the supporting information is accepted.
- 6.3 Prior to submitting the application, the applicant considered eight other potential locations in the locality, but on investigation these proved to be unsuitable for a variety of reasons, including property owners not willing to negotiate, proximity to housing and technical unsuitability. Furthermore there is an extant determination, approving the erection of a 15 metre monopole in this vicinity. Whilst it is advised that the approved installation will not be implemented due to technical reasons, the extant approval which lies in very close proximity to the current proposal is of significant relevance as a material consideration in the determination of this application.
- 6.4 The mast is a monopole design with associated equipment housing, which visually is not considered to cause demonstrable harm to the amenity of the locality which is characterised by existing street lighting and predominantly commercial uses.
- 6.5 Furthermore, the siting would not overshadow or dominate any private residential property, the closest of which lies approximately 85 metres to the west. In addition it is not considered that the siting would dominate the grounds of Brookfield School, which lies approximately 100 metres to the west.

Health and Safety

- 6.6 Although concern about the possible safety implications of the equipment has been raised in the consultations received, a statement of ICNIRP compliance supports the application, and Members are advised that the guidance given in PPG8 (Telecommunications) states that:-

Health considerations and public concern can in principle be material considerations in determining applications for planning permission and prior approval. Whether such matters are material in a particular case is ultimately a matter for the courts. It is for the decision-maker (usually the Local Planning Authority) to determine what weight to attach to such considerations in any particular case.

- 6.7 However, it is the Government's firm view that the planning system is not the place for determining health safeguards. It remains Central Government's responsibility to decide what measures are necessary to protect public health. In the Government's view, if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a Local Planning Authority, in processing an application for planning permission or prior approval, to consider further the health and safety concerns about them." Therefore, it is considered that the issue of safety has been properly addressed in the application, in accordance with Government Guidance.
- 6.8 Overall the proposal complies with the relevant policies in the Hereford Local Plan and no objections have been received from the Head of Environmental Health and Trading Standards or the Traffic Manager.
- 6.9 On balance, it is considered that the proposal constitutes permitted development that can be determined under the Prior Notification procedure and approval of the siting and appearance is recommended.

RECOMMENDATION

That Prior Approval is Not Required.

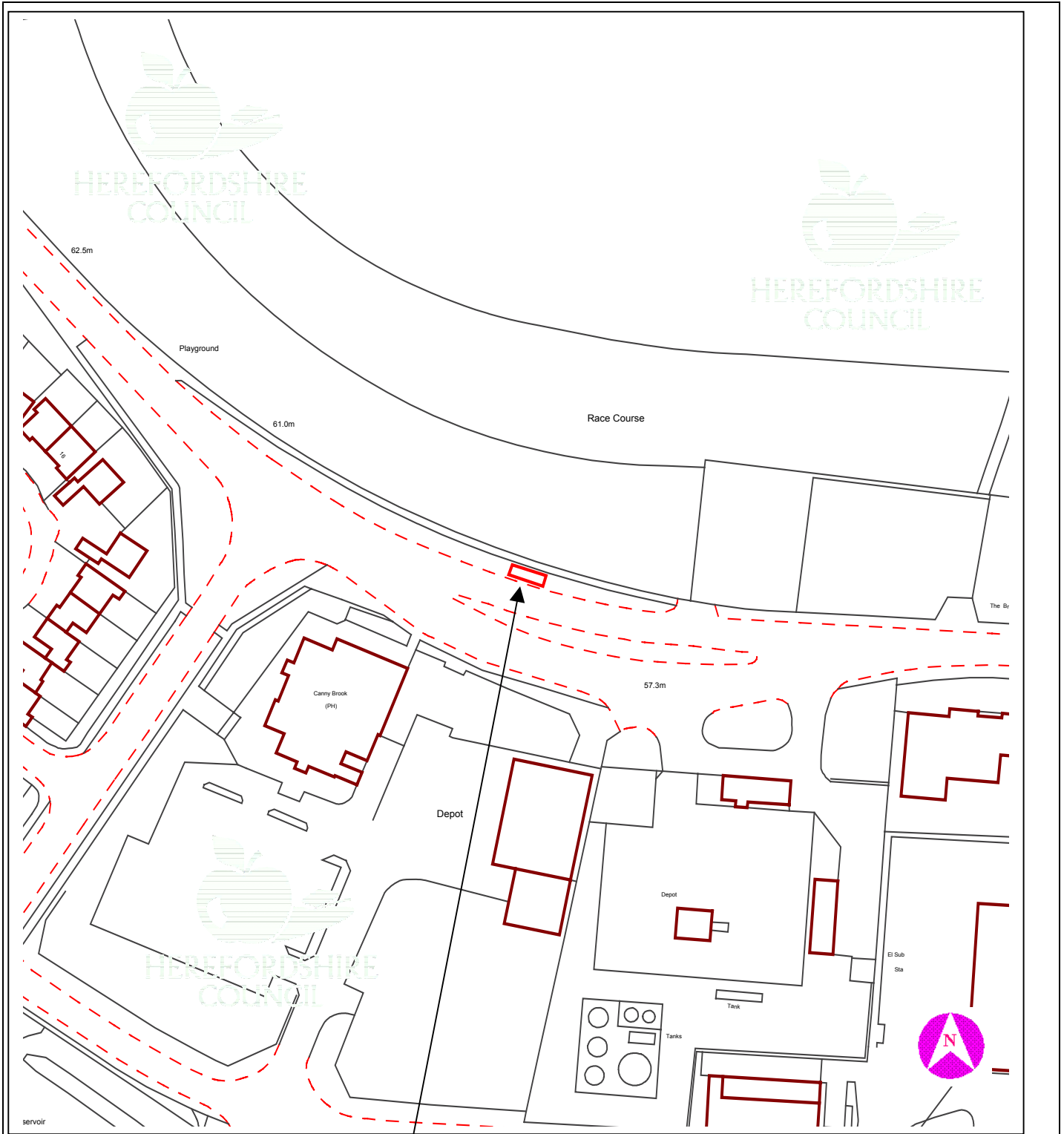
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: DCCW2005/2861/T

SCALE : 1 : 1250

SITE ADDRESS : Streetworks at verge opposite Grandstand Pub, Grandstand Road, Widemarsh, Hereford, HR4 9NH.

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

Further information on the subject of this report is available from Mr. P.G. Clasby on 01432 261947

8 DCCE2005/2392/F - APPLICATION TO VARY CONDITION 1 OF CE2000/0427/F TO EXTEND OPENING HOURS TO:- MON - TUES: 12.00 TO 02.00; WED - SAT: 12.00 TO 03.00; SUN: 12.00 TO 02.00; BANK HOLIDAY (EXCEPT CHRISTMAS DAY): 12.00 TO 03.00. HEREFORD CHARCOAL GRILL, 41 COMMERCIAL ROAD, HEREFORD, HR1 2BG

For: Mr. Y. Gulbahce, 24 Belgravia Gardens, Hereford, HR1 1RB

Date Received: 20th July, 2005

Ward: Central

Grid Ref: 51469, 40327

Expiry Date: 14th September, 2005

Local Member: Councillor D.J. Fleet

1. Site Description and Proposal

1.1 This application seeks permission to vary Condition 1 attached to planning permission DCCE2000/0427/F to allow extended opening hours at the Charcoal Grill, 41 Commercial Road, Hereford. The site is located on the northern side of Commercial Road opposite the entrance to the County Bus Station. The application site consists of a terraced property flanked by an Insurance Shop (A2) to the south west, and a shop unit (A1) to the north east. A takeaway pizza premise is located further to the north east with residential properties above and further to the south west. The site lies within the Central Hereford Conservation Area. The site is located outside the Central Shopping Area.

1.2 The most recent planning permission to alter operating hours was approved on the 1st March, 2000. Condition 1 states that:

"The premises shall not be open to customers outside the following hours: 0800 to 2300 Mondays to Wednesdays, 0800 on Fridays to 0130 on Saturdays, 0800 on Saturdays to 0130 on Sundays and 0800 to 2300 on Sundays."

1.3 This application seeks to vary Condition 1 to extend opening hours on Mondays – Tuesdays from 1200 to 0200; Wednesday – Saturday 1200 to 0300; Sunday 1200 to 0200; and Bank Holidays (except Christmas Day) 1200 to 0300.

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
HBA6 - Development within conservation areas

3. Planning History

- 3.1 HC900423PF - Change of use from Post Office to Chinese takeaway on ground floor with living accommodation above. Refused 15th November, 1990.
- 3.2 HC910237PF - Change of use from Post Office and shop to A2 use. Approved 17th July, 1991.
- 3.3 HC920153PF - Change of use of vacant shop and Post Office to takeaway. Refused 21st May, 1992. Appeal allowed 9th September, 1992.
- 3.4 HC930161PF - Variation of Condition 3 of previous permission (HC920153PF) to allow altered opening hours. Refused 27th May, 1993. Appeal dismissed 13th January, 1994.
- 3.5 HC950203PF - Extension to provide first floor bathroom and kitchen and additional bedroom. Approved 28th July, 1995.
- 3.6 HC960082PF - Retrospective application to vary Condition 3 of HC920153PF to extend opening hours. Refused 25th April, 1996. Appeal dismissed 13th January, 1994.
- 3.7 CE1999/2740/F - Extension to form kitchen/staff toilet and first floor fire escape (Revision to HC950203PF). Approved 26th January, 2000.
- 3.8 CE2000/0427/F - Extension of opening hours. Approved 1st March, 2002.

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 would have no impact on the historic built environment and therefore is considered acceptable'.
- 4.4 Environmental Health and Trading Standards Manager: 'Whilst I continue to be concerned about the disturbance to neighbours, the new Licensing regime should provide adequate controls. Therefore I do not wish to object to the planning application to extend opening hours'.
- 4.5 Licensing Manager: Confirmed that the licensed opening hours that will be in operation from the 24th November, 2005 will be Mondays – Wednesdays 1200 – 2330,

Thursdays 1200 – 0030, Fridays and Saturdays 1200 – 0130, and Sundays 1200 – 2300.

5. Representations

- 5.1 Hereford City Council: 'Hereford City Council has considered this application and is opposed to the application being granted. The reason for the imposition of the conditions remains unaltered'.
- 5.2 Local residents: No comments received.

6. Officers Appraisal

- 6.1 This premise has been the subject of a number of applications for change the use and to allow greater flexibility in the operating hours. The reason for the operating hours condition attached to permission CE2000/0427/F was stated as: 'In the interests of the residential amenities of the adjoining occupiers and to ensure the dispersal of people in the street with the aim of reducing crime and disorder in Commercial Road'.
- 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. 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 Circular advises that a condition which duplicates the effects of other controls will be unnecessary and one whose requirements conflict with those of other controls will be ultra-vires because it is unreasonable. Notwithstanding this, the Circular also states that even where other controls are available, a condition may be needed when the considerations material to the exercise of the two systems of control are substantially different. In this instance the key reason for the imposition of the condition was the protection of residential amenity. It is of note that the Licensing Act of 2003 is specifically intended to consider the following four objectives:

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

The objectives outlined above clearly have implications upon the preservation of residential amenities, however, it is the case that the operations of the unit in question will have wider implications upon the residential amenities of local residents and the proximity of dwellings to this premise renders the condition necessary and reasonable.

- 6.4 In relation to the specific hours requested, the Environmental Health Manager expressed concerns over the impact of the hours requested but confirmed that the Licensing Act should provide effective controls. On the basis of this comment it is not considered appropriate for the conditions to be varied as requested, but rather be varied in line with the hours confirmed by the License.

6.5 Turning to the issue of CCTV coverage, the result of the alteration of the condition to fall in line with the Licensed hours is that only 30 minutes on Mondays – Wednesdays will be gained above the existing hours permitted by condition. In light of this limited change it is considered unreasonable, in this specific instance, to require a contribution towards the maintenance of the CCTV system.

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 use hereby permitted shall only be open to customers during the following hours:**

Monday to Wednesday 1200 hours to 2330; Thursday 1200 hours to Friday 0030; Friday 1200 hours to Saturday 0130 hours; and Sunday 1200 hours to 2300 hours.

Reason: In the interests of residential amenities.

Informatives:

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

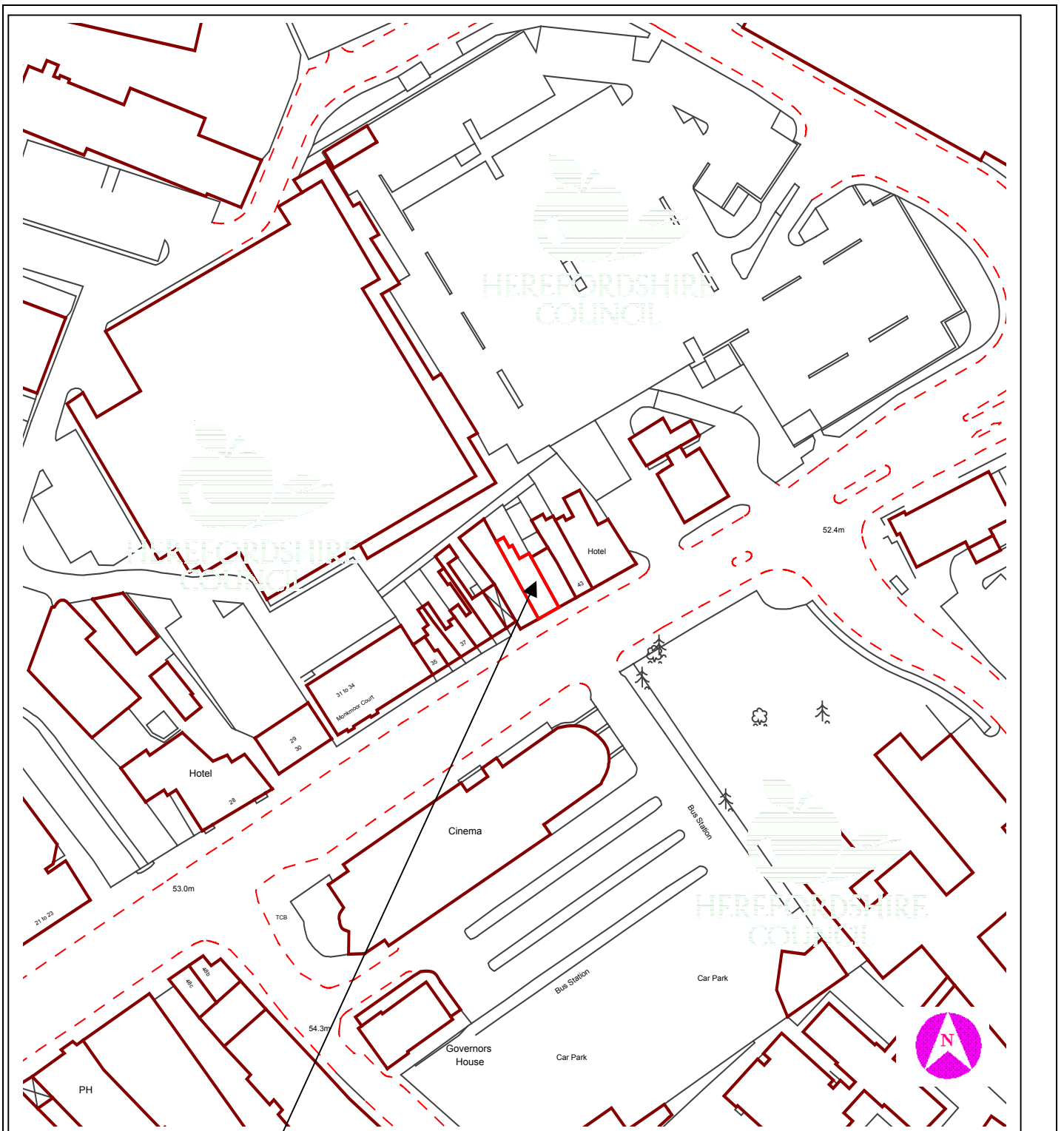
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: DCCE2005/2392/F

SCALE : 1 : 1250

SITE ADDRESS : Hereford Charcoal Grill, 41 Commercial Road, Hereford, Herefordshire, HR1 2BG

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

9 DCCE2005/2024/F - APPLICATION TO VARY CONDITION 1 OF PLANNING INSPECTORS APPEAL DECISION CE2000/0448/F TO ALLOW OPENING BEYOND 1:30 A.M. AT PLAY NIGHTCLUB, 51-55 BLUE SCHOOL STREET, HEREFORD, HR1 2AR

For: Mr. Reynolds per R & B Leisure Ltd, 51-55 Blueschool Street, Hereford, HR1 2AR

Date Received: 17th June, 2005 Ward: Central Grid Ref: 51232, 40231

Expiry Date: 12th August, 2005

Local Member: Councillor D.J. Fleet

1. Site Description and Proposal

1.1 The site is located north of Blueschool Street in between Kwik Fit Tyres to the west, Franklin Barnes building to the south east and adjacent to the Commercial Square junction. A detached two storey brick building occupies the majority of the site which is used as a nightclub known as Play. North east of the site are further commercial premises and the northern boundary is bordered by Catherine Street, to the north of which is a development of affordable housing completed approximately three years ago. The site lies within a Conservation Area and is also designated as an Area of Archaeological Importance.

1.2 Planning permission was approved on appeal on 30th August, 2000 for the extension of opening hours at the night club. The Inspector in allowing the appeal imposed a new restriction on opening hours as follows:

"The use hereby permitted shall not be open to customers outside the following hours: Monday to Thursday midnight to 0100 hours and 0800 to 2400 hours, Friday to Sunday midnight to 0130 hours and 0800 to 2400 hours".

The applicants now seek to vary this condition to enable the club to open as follows: Monday to Wednesday/Thursday(AM) 10am to 3am, Thursday to Saturday/Sunday (AM) 10am to 4am and Sunday/Monday(AM) 12 noon to 2am except on Bank Holiday Sundays which would be to 3am. Exceptions to this are New Years Eve through to New Years Day to have 24 hour opening and Christmas Eve to be able to open from 12 noon to 2am on Christmas Day.

2. Policies

2.1 Planning Policy Statement 6 – Planning for Town Centres
 Planning Policy Guidance 24 – Planning and Noise
 Circular 11/95 – The Use of Conditions in Planning Permissions

2.1 Hereford Local Plan:

ENV17 - Safety and security

CON12 - Conservation areas

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft);

DR2 - Land Use and Activity
DR13 - Noise
TCR1 - Central shopping and commercial areas
TCR2 - Vitality and viability
HBA6 - Development within conservation areas

3. Planning History

3.1 DCCE2005/1013/F Variation of Condition 1 of Planning Permission CE2000/0448/F. Application withdrawn 17th May, 2005.

3.2 CE2004/2436/F - Continued use as a nightclub, Approved 21st September, 2004.

3.3 CE2000/0448/F - Variation of Condition 5 of HC/960403/PF/E to allow opening from 0800 until 0130. Allowed on Appeal 30th August, 2000.

3.4 CE2000/0447/F - Variation of Condition 5 application HC/960403/PF/E to allow opening from 0800 until 2am. Appeal dismissed 30th August, 2000.

3.5 CE1999/2884/F - Variation of condition allowed by planning permission CE1999/1607/F to allow opening on 0800-0330 on 31 December 1999 and 01 January 2000 only, Approved 8th December, 1999.

3.6 CE1999/1697/F - Variation of condition 2 of planning permission HC/970260/PF/E and condition 5 of planning permission HC/96/0403/PF/E to allow opening from 0800-0100, Approved 9th September, 1999.

3.7 HC97/0260/PF - Variation of condition 5 of planning permission HC/960403/PF/E to allow opening from 0800 – 0100, Approved 14th August, 1997.

3.8 HC96/0403/PF/E - Change of use from workshop to A3 food and drink with ancillary accommodation, Approved 1st May, 1997.

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 would have no impact on the Conservation Area and is therefore acceptable.

4.4 Environmental Health and Trading Standards Manager:

"I visited Play nightclub on 30th September, 2005 and viewed and discussed the works that have been carried out on the building in an attempt to improve sound insulation and reduce the noise emitted from the club. I have also read the acoustic report by Ambient Acoustics dated 9th September 2005 and visited the rear of the club on the morning of Friday 1st October 2005 to witness the current level of noise.

I do not entirely agree with the conclusions drawn in the acoustic report and having looked at the submitted figures feel the difference between the open and closed levels are closer to 5dBA than the reported <2dBA. The noise report also refers to Document PPG24, however, this guidance is for applications near transport-related noise sources and therefore cannot be used as a comparison in this case. Any comparisons made would be misleading as the noise exposure time used in PPG24 is over a period of 8 hours (23.00 - 07.00) and as Play is currently only open until 01.30, the noise source is only present 31.25% of the total assessment time, making the result biased. In addition the guidance clearly states '*the NEC procedure is only applicable where consideration is being given to introducing residential development into an area with an existing noise source, rather than the reverse situation*'. In this case the residential development is already in place and therefore this guidance is not relevant to the application that has been submitted.

Although the level of noise has reduced following my previous visit to the rear of the premises in May 2005 I still have concerns regarding the noise impact the proposed extended hours will have on the occupiers of the residential properties in Catherine Court. During my visit to the rear of play on the 1st October 2005, the base could clearly be heard to the rear of Play and outside the flats of Catherine Court. However, taking into account the levels measured in the acoustic report and the planned work to improve further the sound insulation at the premises, I am satisfied that should any complaints be received in the future that these can be dealt with using the powers of the new Licensing regime and the Environmental Protection Act 1990.

5. Representations

- 5.1 Hereford City Council: Sees no reason to vary extended condition and therefore opposes the application.
- 5.2 Conservation Advisory Panel: Members of the Panel thought the application would be detrimental to the area and the city.
- 5.3 Two letters of objection have been received one from Mrs. Elizabeth Telling, 17 Catherine Court which is also accompanied by a petition with 12 signatures and a letter from Brian C.W. Hubbard, (Deacon for Hereford Baptist Church on Commercial Road) of 52 Dorchester Way, Belmont. The main points raised are:
 - Various degrees of disturbance and noise nuisance from the Club arising from the noise of the music and the base beat, rear door of the Club being left open allowing noise to travel through to Catherine Court, occasional drunken brawling in the vicinity of the Club, noise from customers and staff leaving the Club. This all causes general disruption to sleep particularly in the summer when there is the need to have windows open.
 - Extended hours will increase the number of alcohol related crime and disorder incidents in the vicinity of the Club.

- The original noise survey was undertaken on a night when the Club was not particularly busy and the results may be misleading as the Club would be aware that the noise emissions were being recorded.
- The noise intensifies the higher up you go, this has meant us not being able to sleep in the bedroom on the third floor for 18 months.
- I assist in running the Night Shift Project on Saturday nights between 11pm and 3am at the Church which provides a safe place for people to sober up and wait for a taxi etc. Most of the visitors to the Night Shift emanate from Play and longer drinking hours will lead to greater consumption of alcohol, more yobish behaviour, damage to property general crime and disorder and poor health.

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 Planning permission was granted on appeal on the 30th August, 2000 to vary Condition 5 of application HC960403/PF/E. Condition 5 was attached to the original planning permission for Play Nightclub and restricted opening hours from 8am until midnight. The appeal allowed a variation to enable the Club to effectively open until 1am Sundays to Thursdays and 1.30am on Fridays and Saturdays. The reasoning for the condition was based on crime and disorder issues rather than residential amenity.

6.2 The applicants now seek planning permission to vary this condition to enable them to effectively remain open until 3am Monday to Wednesday, 4am Thursday, Friday, Saturday, 2am on Sunday. The exception to these opening times would be Bank Holiday Sundays where they will remain open until 3am, New Years Eve running into New Years Day to remain open 24 hours and Christmas Eve to remain open until 2am.

6.3 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)

6.4 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.

6.5 A number of licensed premises in the locality have already been granted a license to open until at least 3am on most days with most other public houses and night clubs and late night takeaways applying for similar operating hours. Play has also been granted their license for the hours requested under this application.

- 6.6 The condition controlling operating hours 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.
- 6.7 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.
- 6.8 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.
- 6.9 The nearest residential properties whose amenity may be affected by the extension of hours are located to the rear (north) of the Club fronting onto Catherine Street. This development known as Catherine Court was approved in 2000 with the nearest properties being around 20 metres from the rear of the Club. In view of concerns over the potential disruption to amenity principally as a result of noise emanating from the Club, the applicants were required to undertake a noise survey including carrying out on site noise monitoring. The report has been assessed by the Head of Environmental Health whose inclusions are contained within Par. 4.4 of the report. In summary, whilst the noise emanating from the Club will be above the existing background noise levels, the difference (2-5 dBA) is such that there is unlikely to be any unacceptable disruption to amenity. If complaints are made in the future as a result of the extended hours, powers under the Licensing Act and Environmental Protection Act are sufficient to control any possible nuisance.
- 6.10 In recognising the need to be a "good neighbour", the owners of the Club have undertaken a number of measures in recent years to reduce the audible noise to the rear of the Club. These include blocking up of most openings on the rear elevation, provision of double glazing for all window openings that remain, additional insulation on all internal and external doors, additional sound proofing to walls and they also propose to provide further insulation to the loft and roof including the provision of acoustic felt to minimise any noise travelling through the roof which appears to be of particular concern of one objector.
- 6.11 The Planning Inspector in allowing the appeal in 2000 to enable the Club to remain open until 1.30am also summarises the situation as follows:

"I appreciate that the Council is concerned about noise and related disturbances that can arise from the normal activities associated with leaving this type of premise. The Council have in mind the possible future occupiers of residential accommodation that may be built on land behind the appeal premises. This noise and disturbance will arise whatever the closing time is and will be heard against the background of general traffic and other noise in the area. Also, the premises can already remain open until late at night and if the Council grant planning permission for residential development on land to the rear it must presumably be satisfied that late departures from the premises would not adversely affect the living conditions of the occupiers of such dwellings".

- 6.12 Therefore, whilst the concerns of local residents are appreciated, the information and evidence provided by the applicants and assessed by the Council's noise experts indicate that the extended opening hours will not lead to any unacceptable disruption to the amenity of nearby residents and therefore the requirements of Policies ENV17 of the Hereford Local Plan and DR13 of the Herefordshire Unitary Development Plan (Revised Deposit Draft) are satisfied. However, the hours granted under Play's new licence are less than that which is applied for under this application largely due to concerns expressed by the police. It is therefore considered reasonable that the opening restrictions under both the licence and this planning application are the same, which will also further reduce any impact on the amenity of residents in the locality.
- 6.13 Notwithstanding the acceptance of the application, the longer opening hours requested will place an additional burden on the operation of the existing CCTV system within Hereford generally and on the Commercial Square area in particular. The existing system does not operate 24 hours and in this particular part of town is only manned until 3am. Play 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 Play 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. 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 subject to the following condition and any further condition(s) considered necessary by officers.

The use hereby permitted shall only be open to customers during the following hours:

**Monday 1000 hours to Tuesday 0330 hours;
Tuesday 1000 hours to Wednesday 0200 hours;
Wednesday 1000 hours to Thursday 0200 hours;
Thursday 1000 hours to Friday 0330 hours;
Friday 1000 hours to Saturday 0330 hours;
Saturday 1000 hours to Sunday 0330 hours;
Sunday 1200 hours to Monday 0230 hours (except Bank Holiday Sunday until Monday 0300 hours);
These hours will apply with the exception of Christmas Day 0200 hours, New Years Eve 1100 hours to New Years Day 2300 hours.**

Reason: In order to protect the amenity of occupiers of nearby properties and to define the terms of the permission.

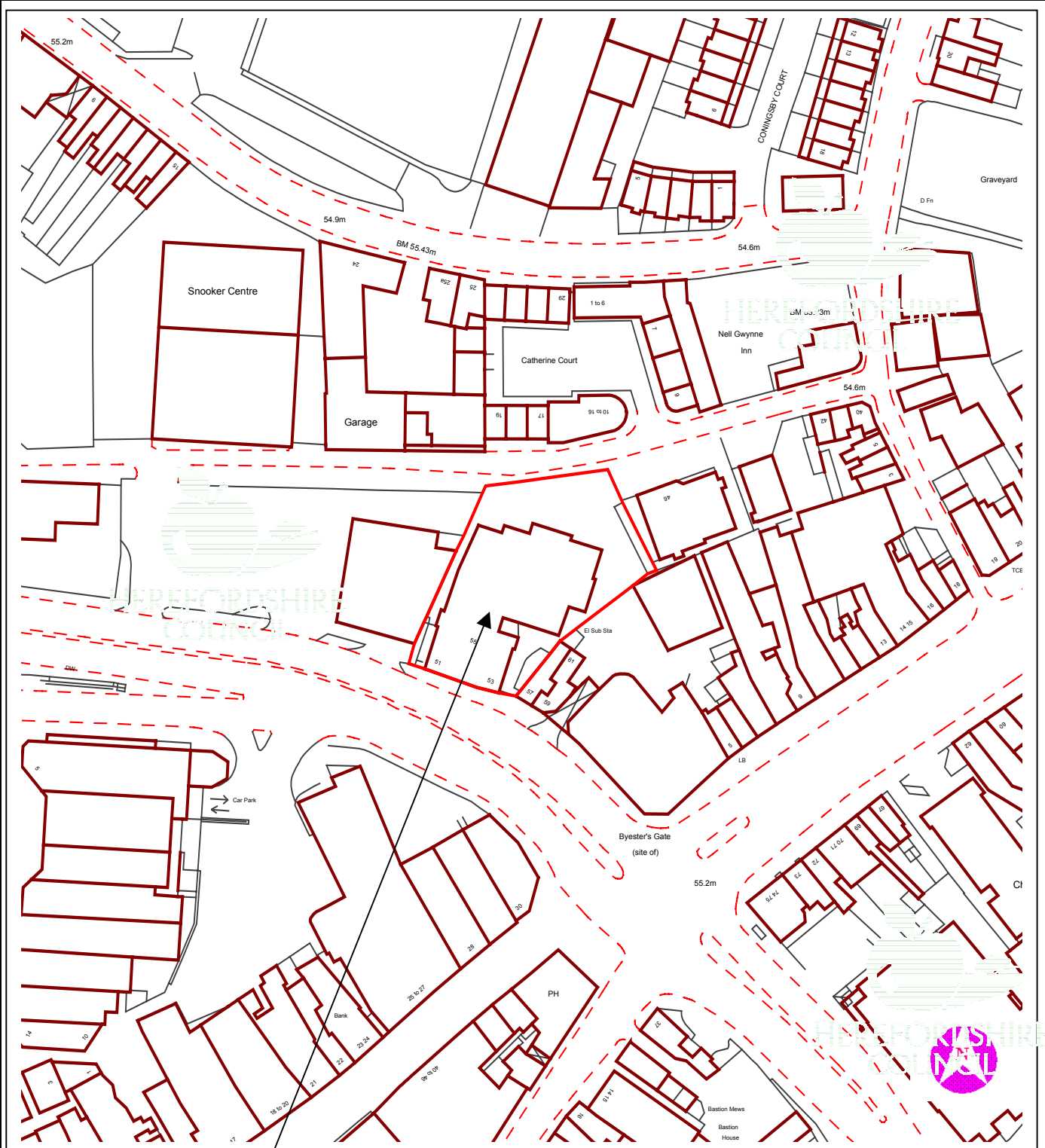
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: DCCE/2005/2024/F

SCALE : 1 : 1250

SITE ADDRESS : Play Nightclub, 51-55 Blue School Street, Hereford, HR1 2AR

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

**10 DCCE2005/2132/O - ERECTION OF 3 DWELLINGS 40
NEWTOWN ROAD, HEREFORD, HEREFORDSHIRE,
HR4 9LL**

**For: Mr. Boyal per John Phipps, Bank Lodge,
Coldwells Road, Holmer, Hereford, HR1 1LH**

Date Received: 28th June, 2005 Ward: Central Grid Ref: 51037, 40906

Expiry Date: 23rd August, 2005

Local Member: Councillor D.J. Fleet

1. Site Description and Proposal

- 1.1 This application seeks permission for the erection of three, three storey dwellings to the rear of 40 Newtown Road, Hereford. The application seeks outline permission but with only landscaping reserved for future consideration.
- 1.2 The application site consists of No. 40 Newtown Road, previously the Newtown Road Post Office but since converted into residential use, together with the associated rear garden area. A number of outbuildings are currently found to the rear of the frontage property. The site is not specifically designated in either the adopted Hereford Local Plan or the emerging Herefordshire Unitary Development Plan (Revised Deposit Draft) and as such is 'white land' for the purposes of planning policy. The application site is, however, located immediately to the south of the canal corridor. To the west of the application site is found Pizza Hut, and to the east, the dwellings running along Newtown Road.
- 1.3 The proposal involves the demolition of the existing outbuildings to the rear of the frontage property, the widening of the existing cart way to form a vehicular access, and the erection of a terrace of three dwellings with associated parking. The dwellings are three storey and arranged in a stepped manner. The second floor is formed in the roof space of the proposed dwellings with the accommodation created served by front and rear dormer openings. The finish is brick for two dwellings and render for the third (eastern most property). Six parking spaces (two per unit) are provided to the south of the dwellings and garden area created to the north. The properties are intended to face the south but with a 'face' on the northern elevation to allow the dwellings to also relate to the canal route to the north.

2. Policies

2.1 Hereford Local Plan:

ENV1	-	Land liable to flood
ENV14	-	Design
H3	-	Design of new residential development
T5	-	Car parking – designated areas
R15	-	The Herefordshire and Gloucestershire Canal

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

S1	-	Sustainable development
S2	-	Development requirements
S3	-	Housing
S6	-	Transport
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
DR7	-	Flood risk
H1	-	Hereford and the market towns: settlement boundaries and established residential areas
H2	-	Hereford and the market towns: housing land allocations
H16	-	Car parking
T11	-	Parking provision
RST9	-	Herefordshire and Gloucestershire Canal

3. Planning History

- 3.1 DCCE2004/3383/O - Site for erection of 18 one bedroom flats. Withdrawn 21st February, 2005.

4. Consultation Summary

Statutory Consultations

- 4.1 Welsh Water: No objection subject to conditions.
- 4.2 Environment Agency: No response received.

Internal Council Advice

- 4.3 Traffic Manager: No objection subject to conditions.
- 4.4 Economic Development Manager: Raises no objection but supports the Canal Trust's position on the application and the negotiation of a Section 106 Obligation towards the reinstatement of the canal.
- 4.5 Forward Planning Manager: No response received.

5. Representations

- 5.1 Canal Trust: Object unless a Section 106 Agreement can be secured towards the reinstatement and maintenance of the canal.
- 5.2 Hereford City Parish Council: Objection on the grounds that this development is backland development and has inadequate access from the adjacent highway.
- 5.3 Local Residents: Three letters of objection have been received raising the following points:

1. Inadequate access arrangements;
2. Lack of contribution for canal redevelopment;

3. Loss of privacy/overlooking.

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 three principal areas for debate in relation to this application are the principle of development, the impact of the proposal on the restoration of the canal, design and amenity issues, and highway matters.

Principle of Development

6.2 The application site has no specific policy designation, however, the existing property on site is residential and the rear site area is residential curtilage. It is of further note that this site is part of a row of residential properties. A new residential development in this location is appropriate and acceptable at a basic policy level. The acceptability or otherwise of this scheme therefore rests with the details of the proposed development.

The Canal

6.3 The application site is located adjacent to the safeguarded route of the canal which is afforded protection under Policy RST9 of the Herefordshire Unitary Development Plan (Revised Deposit Draft), as well as, by policy R15 of the adopted Hereford Local Plan. Policy RST9 requires the canal route, together with associated infrastructure, buildings, towpath and features to be safeguarded. Development which would prevent or prejudice the restoration of a continuous route, will not be permitted. Policy R15 seeks to encourage the improvement and restoration of the canal.

6.4 To the east of the application site is a new development of 14 dwellings granted permission by virtue of application DCCE2003/1090/F. This application has, associated with it, a Section 106 Agreement which required the transfer of an area of land to the Canal Trust, as well as, an obligation for each property to contribute £200 per annum (inflated annually to the retail price index) in perpetuity for restoration and maintenance. This application does not propose such an agreement and the Canal Trust have objected on the basis of this. However, in the case of this application, the canal route runs adjacent to, and not through, the application site. Consequently, it is unreasonable to insist upon a contribution where the land in question is not directly involved in the canal restoration. Furthermore the proposed development would not prejudice redevelopment of the canal and therefore complies with the relevant policies of the adopted and emerging Development Plans.

Design and Scale

6.5 The design and scale of the development is considered appropriate having regard to the wider area and future evolution of this area. The dwellings are traditional in appearance and are designed to face to the north and south, enabling their effective integration into the redevelopment of the canal. The proposal is principally reflective of the new development found to the east of the application sites (DCCE2003/1090/F). The scale is appropriate in the context of the existing built form on Newtown Road. The design and scale are therefore acceptable.

- 6.6 This proposal reflects acceptably the character of the existing area and furthermore will effectively integrate with the restored canal and wider development of this area. No objection is raised in relation to the impact of this proposal upon the visual amenities of the locality.

Residential Amenities

- 6.7 One of the most significant issues associated with this proposal is that of its impact upon the residential amenities of the neighbouring properties. The dwellings are located to the rear of the existing garden area of No. 40 and have a principal elevation facing south. The proposed dwellings will therefore be facing the rear elevations of the properties on Newtown Road, as well as, having aspects over the rear garden areas of the aforementioned dwellings. From the perspective of the dwellings themselves the new dwellings are, at their closest point, approximately 35 metres away from the rear elevation of the closest dwelling on Newtown Road. This is within acceptable limits. The key impact is therefore the overlooking of the rear garden areas. To minimise this impact no side openings on the east facing elevation are proposed and the second floor dormers serve bathrooms and would be conditioned with obscure glazing. Notwithstanding this it cannot be argued that no overlooking will result. The degree of overlooking will not be significantly dissimilar to that found on modern high-density residential developments and as such this issue is considered to be insufficient to refuse this application.

Highway Matters

- 6.8 The Traffic Manager supports the proposed access arrangements subject to conditions. Parking provision is in accordance with policy requirements and he therefore has no objections to the proposal.

Conclusion

- 6.9 Concerns have been expressed in relation to this proposal, not least in relation to the amenity impact and the implications for the canal restoration. On balance, however, it is considered that the impact of this development will be within acceptable limits and the insistence upon a Section 106 contribution would be unreasonable in this instance. This development is in accordance with planning policy and would not prejudice the future realisation of the canal restoration.

RECOMMENDATION

Subject to there being no objection from the Environment Agency, the Officers named in the Scheme of Delegation to Officers be authorised to approve the application subject to the following conditions and any further conditions considered necessary by Officers:

- 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. A09 (Amended plans)

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

5. B01 (Samples of external materials)

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

6. C16 (Detailed scheme of demolition operations)

Reason: To minimise the risk of damage to the existing building.

7. E16 (Removal of permitted development rights)

Reason: To ensure that the local planning authority retains effective control of the development of this site in the interests of the visual and residential amenities of the locality.

8. E17 (No windows in side elevation of extension)

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

9. E19 (Obscure glazing to windows)

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

10. F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

11. W01 (Foul/surface water drainage)

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

12. 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.

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

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

- 14. The proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No part of the building will be permitted within 3 metres either side of the centreline of the public sewer.

Reason: To protect the integrity of the public sewer and avoid damage thereto.

- 15. H05 (Access gates)

Reason: In the interests of highway safety.

- 16. H06 (Vehicular access construction)

Reason: In the interests of highway safety.

- 17. 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. N03 - Adjoining property rights
- 3. HN01 - Mud on highway
- 4. HN04 - Private apparatus within highway
- 5. HN05 - Works within the highway
- 6. HN10 - No drainage to discharge to highway
- 7. N16 - Welsh Water Informative
- 8. N15 - Reason(s) for the Grant of PP/LBC/CAC

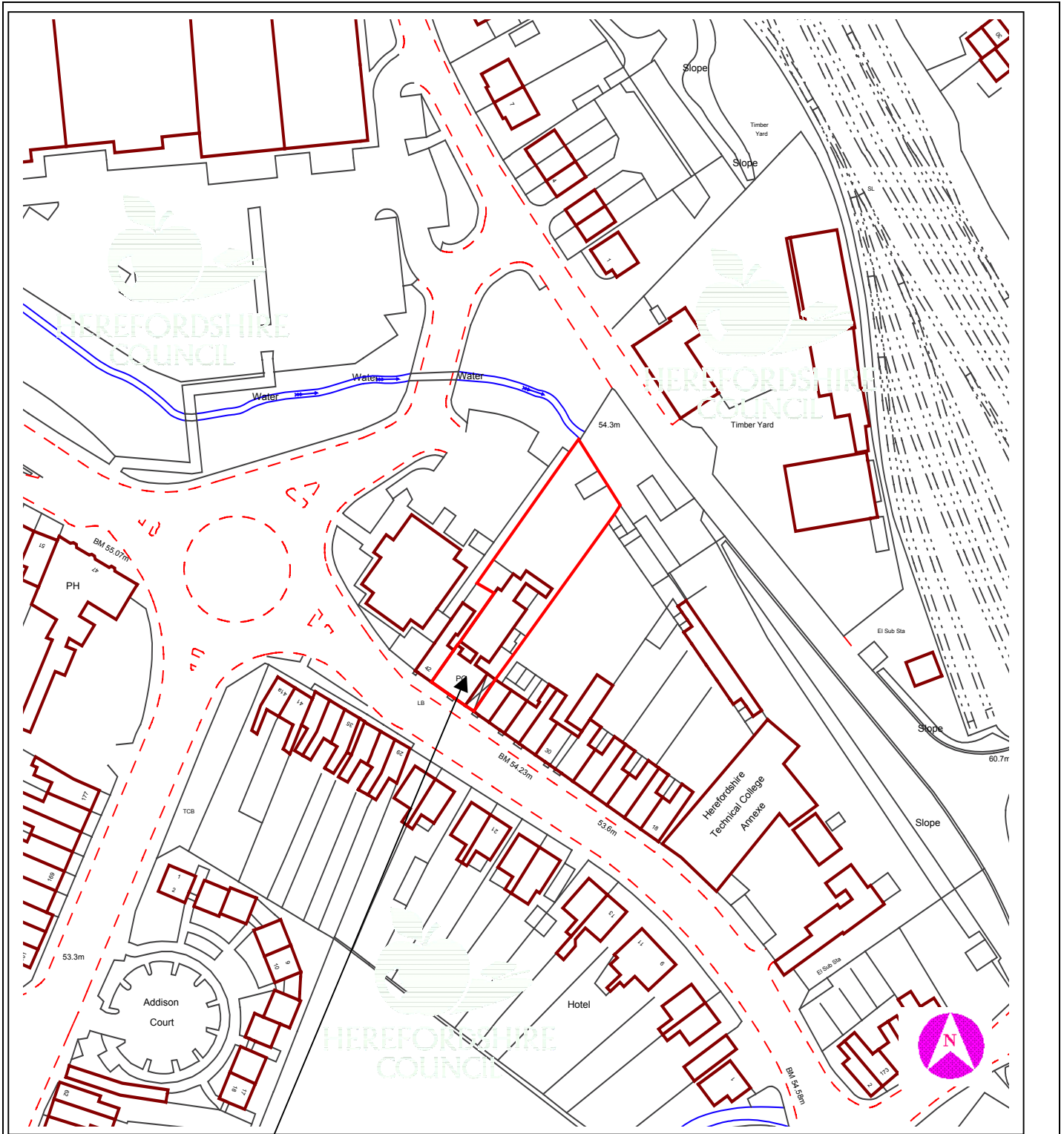
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: DCCE2005/2132/O

SCALE : 1 : 1250

SITE ADDRESS : 40 Newtown Road, Hereford, Herefordshire, HR4 9LL

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

11 DCCE2005/2799/F - TWO STOREY DWELLING AND WIDENING OF ACCESS LAND ADJACENT TO 51 LINGEN AVENUE, HEREFORD, HR1 1BY

For: Mrs. J. Cole, 51 Lingen Avenue, Hereford, HR1 1BY

Date Received: 24th August, 2005 Ward: Aylestone Grid Ref: 51568, 41019

Expiry Date: 19th October, 2005

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

1. Site Description and Proposal

- 1.1 The site is located on the northern side of Lingen Avenue near the junction with Geoffrey Avenue in an Established Residential Area in the northern half of the city. A detached two storey pitched roof dwelling occupies the eastern part of the site, alongside which this is a detached two car garage with the remainder of the site being set out to domestic garden comprising various ornamental trees with a Leylandi hedge along the roadside boundary. Surrounding the site to the west, north and south are existing detached/semi-detached properties.
- 1.2 Planning permission is sought for the construction of a two storey four bedroom dwelling proposed to be constructed from rendered walls under a pitched slate roof. The dwelling would occupy the western half of the site and would entail the demolition of the existing garages along with the widening of the existing vehicular access to create sufficient parking to serve both the existing and the proposed dwelling. The application has been brought before the Central Area Planning Sub-Committee as the applicant holds a politically restricted post.

2. Policies

2.1 Hereford Local Plan:

ENV14	-	Design
H3	-	Design of new residential developments
H12	-	Established residential areas – character and amenity
H13	-	Established residential areas – loss of features
H14	-	Established residential areas – site factors

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft):

S1	-	Sustainable development
S2	-	Development requirements
S3	-	Housing
S6	-	Transport
DR1	-	Design
H1	-	Hereford and the market towns: settlement boundaries and established residential areas

H2	-	Hereford and the market towns: housing land allocations
H3	-	Managing the release of housing land
H13	-	Sustainable residential design
H14	-	Reusing previously developed land and buildings
H16	-	Car parking

3. Planning History

3.1 None identified.

4. Consultation Summary

Internal Council Advice

4.1 Traffic Manager: No objections subject to conditions concerning the provision of parking.

5. Representations

5.1 Hereford City Council: No objection.

5.2 Two letters of objection have been received from Mrs. D. Baker, 47 Lingen Avenue and Mr. & Mrs. Marshall, 24 Lingen Avenue. The main points raised are:

- Inadequate parking is proposed;
- The development will infringe upon the privacy and devalue neighbouring property;
- The parking arrangements will entail vehicles reversing into or off the highway causing danger to pedestrian and highway safety;
- The increased traffic from the development will adversely affect the residential amenity of the area.

In response to the letters of objection the applicant comments as follows:

- The parking provided meets current highway standards and the parking arrangement will be no less hazardous than with other properties in Lingen Avenue.
- There will be no increased in loss of privacy.

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 proposal is for the sub-division of the existing curtilage into two plots and the construction of a detached four bedroom dwelling. The site lies within the Established Residential Area as identified in the Hereford Local Plan and as such the principle of residential development on the site is acceptable having regard to both local and national planning policy. The primary issue for consideration is therefore whether the scale, siting and design of the dwelling proposed is appropriate for the site in terms of its impact on the character of the area and on the amenity of adjoining properties.

- 6.2 The composition of properties in the locality is varied ranging from relatively large detached houses set within large plots to modestly sized bungalows. As such the principle of a further two storey dwelling would not be out of character with the general pattern of development in the area. Furthermore, the dwelling is to be set back behind both of the properties either side, which will create a relatively subservient appearance in the street scene. The proposed dwelling is to be sited close to both the existing and proposed boundaries to the east and west and consequently the development will appear slightly cramped. However, this relationship is again, not uncharacteristic for the area in terms of distances between existing and proposed dwellings.
- 6.3 The primary concern with the application is therefore the impact of the development on the amenity of the neighbouring properties. The impact on No. 47 Lingen Avenue will be limited due to the siting and the fact there are no habitable room windows overlooking the site. A window is proposed in the dwelling serving the landing area but this could be obscure glazed and fixed if the proposal is deemed acceptable. The proposed rooflights will essentially overlook the roof of the adjoining property and therefore again, there will be no loss of privacy through overlooking.
- 6.4 However, the impact on the amenity enjoyed by No. 51 will be significant. Whilst this is the applicant's existing property the consideration of the application should be confined to land use planning matters. No. 51 presently has habitable room windows at ground and first floor overlooking the application site. The proposed new dwelling would be 4.8 metres from these windows, some of which are the only means of light to the rooms. The construction of a two storey side wall with a roof above within such close proximity to these windows will have a significant impact on the amount of daylight and sunlight received within these rooms. This situation is unacceptable. However, the fact the property affected by the proposed development is owned by the applicants means that the impact can be overcome through alterations to their existing dwelling. It would be necessary for the ground and first floor windows serving the lounge and bedroom to be removed, a single storey rear extension to be demolished and new opening(s) formed in the rear elevation of the dwelling overlooking the garden. This would effectively remove any unacceptable window-to-window relationships and ensure the impact on the amenity for existing and future occupiers of the existing dwelling is minimised.
- 6.5 The concerns of objectors are noted but the Traffic Manager raises no objection to either the parking provision or increased vehicular movements. Subject to amended plans being submitted in time for Sub-Committee identifying the above alterations, the proposal is therefore considered acceptable. If satisfactory amended plans are not received, the application cannot be supported.

RECOMMENDATION

Subject to the receipt of suitably amended plans, the Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary by Officers:

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

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

2. **A09 (Amended plans)**

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

3. B01 (Samples of external materials)

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

4. G01 (Details of boundary treatments)

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

5. E16 (Removal of permitted development rights)

Reason: To enable the local planning authority to control any future enlargement of the dwellings or development within their curtilage in the interests of residential amenity.

6. E18 (No new windows in specified elevation)

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

7. H06 (Vehicular access construction)

Reason: In the interests of highway safety.

8. H09 (Driveway gradient)

Reason: In the interests of highway safety.

9. H10 (Parking – single house)

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

10. F48 (Details of slab levels)

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

Informatives:

- 1. HN01 - Mud on Highway**
- 2. HN04 – Private apparatus within highway**
- 3. HN05 – Works within the highway**
- 4. HN10 – No drainage to discharge to highway**
- 5. N15 – Reason(s) for the Grant of PP.**

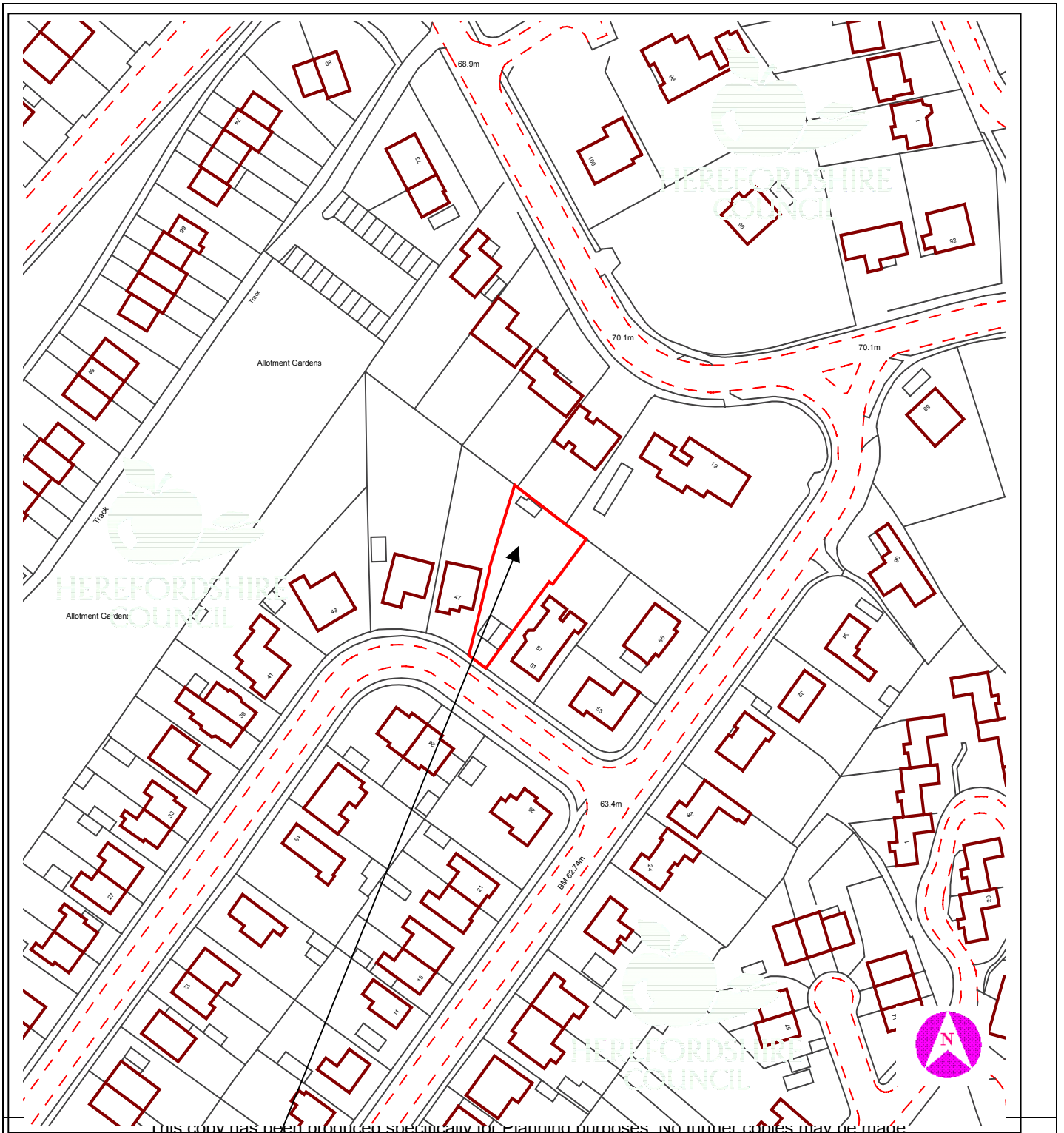
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: DCCE2005/2799/F

SCALE : 1 : 1250

SITE ADDRESS : Land adjacent to 51 Lingen Avenue, Hereford, Herefordshire, HR1 1BY

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

12 DCCE2005/2619/F - CHANGE OF USE OF GROUND FLOOR FROM CLASS A1 (RETAIL) TO CLASS A5 (TAKEAWAY) AT 2 HOLME LACY ROAD, HEREFORD, HEREFORDSHIRE, HR2 6BY

For: The Co-operative Group per Pegasus Planning Group, 2-10 Kings Parade Mews, Clifton, Bristol, BS8 2RE

Date Received: 11th August 2005

Ward: St. Martins & Hinton

Grid Ref: 50751, 38611

Expiry Date: 6th October 2005

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

1. Site Description and Proposal

- 1.1 The site is located south of Holme Lacy Road next to the junction with Ross Road (A49), south of the city. Adjoining the site to the east are semi-detached residential properties which front onto Holme Lacy Road and immediately to the west is The Broadleys Public House. A two-storey hipped roof building occupies the site which historically, was occupied as two semi-detached properties. To the front and side is a single-storey flat roofed extension with a hardsurfaced parking area in front. The lawful and most recent use of the ground floor is a convenience store with the first floor being occupied as a self-contained flat. The convenience store closed approximately two years ago and the ground floor has been vacant since this time. The site falls within the established residential area as designated in the Hereford Local Plan and Herefordshire Unitary Development Plan (Revised Deposit Draft).
- 1.2 Planning permission is sought for the change of use of the ground floor from the existing lawful (A1) retail use to a Chinese takeaway (A5).

2. Policies

ENV14 – Design
 ENV18 – External Lighting
 H21 – Compatibility of Non-Residential Uses

Herefordshire Unitary Development Plan (Revised Deposit Draft)

S2 – Development Requirements
 S6 – Transport
 DR2 – Land Use and Activity
 DR3 – Movement
 DR4 – Environment
 TCR15 – Hot Food Takeaway Outlets
 T11 – Parking Provision

3. Planning History

HC95/0481/PF - Proposed internal alterations and new external staircase/access to first floor flat - Approved 29 February 1996

4. Consultation Summary

- 4.1 Highways Agency – “On the basis that this site currently benefits from an A1 Retail Use the Highways Agency considers that this application is unlikely to generate more daily vehicle movements than the existing use. That being said we are concerned that takeaway restaurants by their very nature generate more trips in the evening and some of these trips may fall within peak times. However, it is difficult to ascertain whether these trips would exceed those being made to the existing retail outlet during peak times.

The Highways advice note submitted by the applicant sets out improvements to the local road network (keep clear road markings) and on-site infrastructure (formalising parking arrangements). The Highways Agency consider these improvements will assist in the free flow of traffic visiting the site and on balance that the proposed development is unlikely to be of detriment to the safe and free flow of traffic on the trunk road”.

Internal Council Advice

- 4.2 Traffic Manager – “Having read the information and proposals contained in the Transport Statement from Peter Brett Associates dated 19/9/2005 in support of the planning application, they have addressed the concerns of turning movements of cars being blocked by lanes of queuing traffic at the approach to the lights. This is obviously of benefit over the current situation which would exist if the A1 use was resurrected. The fact that cars turn across two lanes is a possible concern, but they have provided a wide KEEP CLEAR area which will give good visibility for approaching traffic, and is an improvement over the current situation.

The takeaway will not be open in the mornings, therefore there will be no traffic generation or turning traffic in the morning peak, a further benefit over the permitted A1 use.

Whether or not there is intensification for A5 over A1 use in the evening peak is unsubstantiable as suitable information from TRICS for the two use classes (A1 and take away) is not available.

I am slightly concerned at the amount of car parking provision proposed, which does not meet our standards and may possibly lead to indiscriminate parking/waiting on road on the approach to the junction, to the detriment of highway safety. However, I suspect that if people see the car park is full, they will not bother to stop as it means they will have a lengthy wait and will go elsewhere. It is also likely that a lot of customers may be pubgoers on foot stopping on the way home. A similar overflow parking situation could (and is probably more likely to) occur with the permitted A1 use, and in that case could occur in both morning and evening peak hours.

Therefore on balance of the evidence submitted and having carefully considered the application in the light of these proposals, I consider that there are not grounds for refusal on highway grounds, particularly as the application is for a change of use. It

must be remembered that the site is currently vacant and therefore at present a true picture of its current permitted use is not available”.

- 4.3 Head of Environmental Health and Trading Standards - No objection in principle but in the interest of the amenity of neighbourhood, no external flues or extraction equipment shall be installed at premises without prior written approval of the local planning authority. The applicant shall provide details including the specification of suitable silencer to be installed and predicted noise levels at the nearest dwelling.

5. Representations

- 5.1 Hereford City Council - No objection to the application providing opening hours are limited in order to protect adjacent residential amenities.

- 5.2 Five letters of objection have been received from numbers 4, 6, 8 and 12 Holme Lacy Road and a further letter from a nearby resident. The main points raised are:

1. There will be extra traffic crossing the footpath at a busy junction to the detriment of pedestrian safety.
2. Parking and access will be dangerous, there have already been numerous accidents in the locality.
3. Potential problems with litter. Litter was a problem when the premises was used as a shop and the takeaway use is likely to lead to even greater problems with litter.
4. The takeaway will want to open late at night causing general noise and disruption to amenity and anti-social behaviour.
5. Smells and fumes will travel from the site to adjacent properties affecting the use of the property and enjoyment of gardens.
6. Development will devalue nearby properties.

- 5.3 Supporting information including a highway technical note has been provided by the applicant's agents which will be referred to in the Officers Appraisal.

- 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 The proposal is for the change of use from the A1 Retail to A5 Takeaway. A new extraction system is also proposed to the side of the property adjacent to the public house and the hard surfaced area to the front is to be rationalised to create designated parking spaces. The proposal would lead to the loss of the A1 use most recently a local convenience store although the building has not been used for this purpose for approximately two years. However, the property is not protected under the Local Plan or UDP as local shopping provision and therefore there is no objection, in principle, to the change of use of the premises. The principle issues for consideration under this application are therefore impact of the new use on the amenity of the area and highway safety.

Impact on Amenity

- 6.2 The site is bordered to the east by residential properties with further properties to the south. Their amenity could be affected by both noise and general activity associated with the use and also possible smells of fumes arising from the food preparation. The

site has a lawful A1 Retail Use, which has no opening hours restrictions. Therefore the premises could re-open as a shop until late at night as well as during the day. The site is also adjacent to a very busy road, which in itself will be a source of noise and vehicular activity and properties to the south lie adjacent to The Broadleys Public House. This, again, would be a source of potential noise and activity at unsocial hours. This is particularly the case as the public house has applied for a later license under the new licensing regime.

- 6.3 Environmental Health raise no objection to the application in principle subject to a condition concerning the extraction unit to be installed and the control of noise from this unit. In this regard the design of modern extraction systems is such that any odours will be limited and will not be noticeable for properties in the locality.
- 6.4 Therefore, whilst there will be increased pedestrian and vehicular activity to and from the site late at night, given the neighbouring land uses and subject to a condition controlling opening hours and extraction system, the likely impact of the use on the residential amenity of the area is considered acceptable. Notwithstanding this conclusion, it is considered reasonable for a higher and more robust boundary to be installed between the site and nearest residential property and this can be controlled by condition.

Highway Safety

- 6.5 The site is poorly situated in terms of its proximity to the Holme Lacy Road/Ross Road signalised junction and the standard of the access and accessibility of the site particularly for vehicles travelling from the west is presently substandard and could be a potential hazard. However, this issue must be considered against a fallback position of a lawful planning use of the site for retail purposes. Therefore a reason for refusal could only be substantiated on highway grounds if there was likely to be intensification in the use of the access.
- 6.6 Whilst both the Highways Agency and Traffic Manager have concerns with suitability of the access and its proximity and relationship to the Holme Lacy Road/Ross Road junction, neither formally objects to the application. The agents have provided a traffic assessment identifying that the possible vehicle generation to and from the site, overall, is likely to be less than the previous retail use and peaks in vehicular activity to and from the site would be outside of the main congestion times i.e. evening. This view is not fully supported by the Traffic Manager but on balance and having regard to the existing use refusal on the grounds of highway safety is not recommended.
- 6.7 The proposed parking serving the development is to be formalised to avoid indiscriminate parking on the highway or pavement and also to ensure that a vehicle can enter and leave the site in a forward gear. Allied with this, the applicant's propose 'Keep Clear' marking at the point of access onto Holme Lacy Road, which will reduce obstruction from queuing vehicles and enable right turn manoeuvres both into and out of the site. Therefore, a combination of all these factors and having regard to the professional advice of the Highways Agency and Traffic Manager, it is not considered that the application can be refused on highway grounds or a subsequent appeal defended.
- 6.8 Subject to conditions requiring improvements to the parking and access, cycle storage, provision of additional litter bins and restrictions on opening hours the proposal is considered acceptable in accordance with Policy H21 of Hereford City Local Plan and TCR15 of the Unitary Development Plan.

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. E04 (Restriction on hours of opening) (11.00 am and 11.30 pm Sunday to Thursday and 11.00 am and 12.30 am Friday and Saturday/Sunday AM)

Reason: In the interests of the amenities of existing residential property in the locality.

4. H15 (Turning and parking: change of use - commercial)

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

5. H17 (Junction improvement/off site works)

Reason: To ensure the safe and free flow of traffic on the highway.

6. 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.

7. F39 (Scheme of refuse storage)

Reason: In the interests of amenity.

8. Notwithstanding the existing fence, prior to commencement of the use hereby permitted a fence or wall to a minimum height of 2 metres above the level of the highest ground level adjacent to the enclosure shall be erected/constructed along the eastern boundary of the site. Details of the enclosure shall be submitted for the approval in writing of the local planning authority prior to the commencement of the use. The enclosure shall be installed in accordance with the agreed details.

Reason: To safeguard the amenity of the adjacent residential properties.

9. Notwithstanding the submitted details, no external flues or extractor equipment shall be installed at the premises without the prior written approval of the local planning authority. Prior to the commencement of the use, the applicant shall submit details for the approval in writing by the local planning authority of the

proposed extraction equipment including the specification of a suitable silencer to be installed and predicted noise levels at the nearest dwelling. The extraction equipment and appropriate noise attenuation should be installed in accordance with the agreed details prior to commencement of the use hereby permitted.

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

- 10. Notwithstanding the Town and Country Planning (Control of Advertisements) Regulations 1992, details of any proposed advertisements shall be submitted for the approval in writing of the local planning authority prior to commencement of the use hereby permitted. The advertisement shall be installed in accordance with the approved details.

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

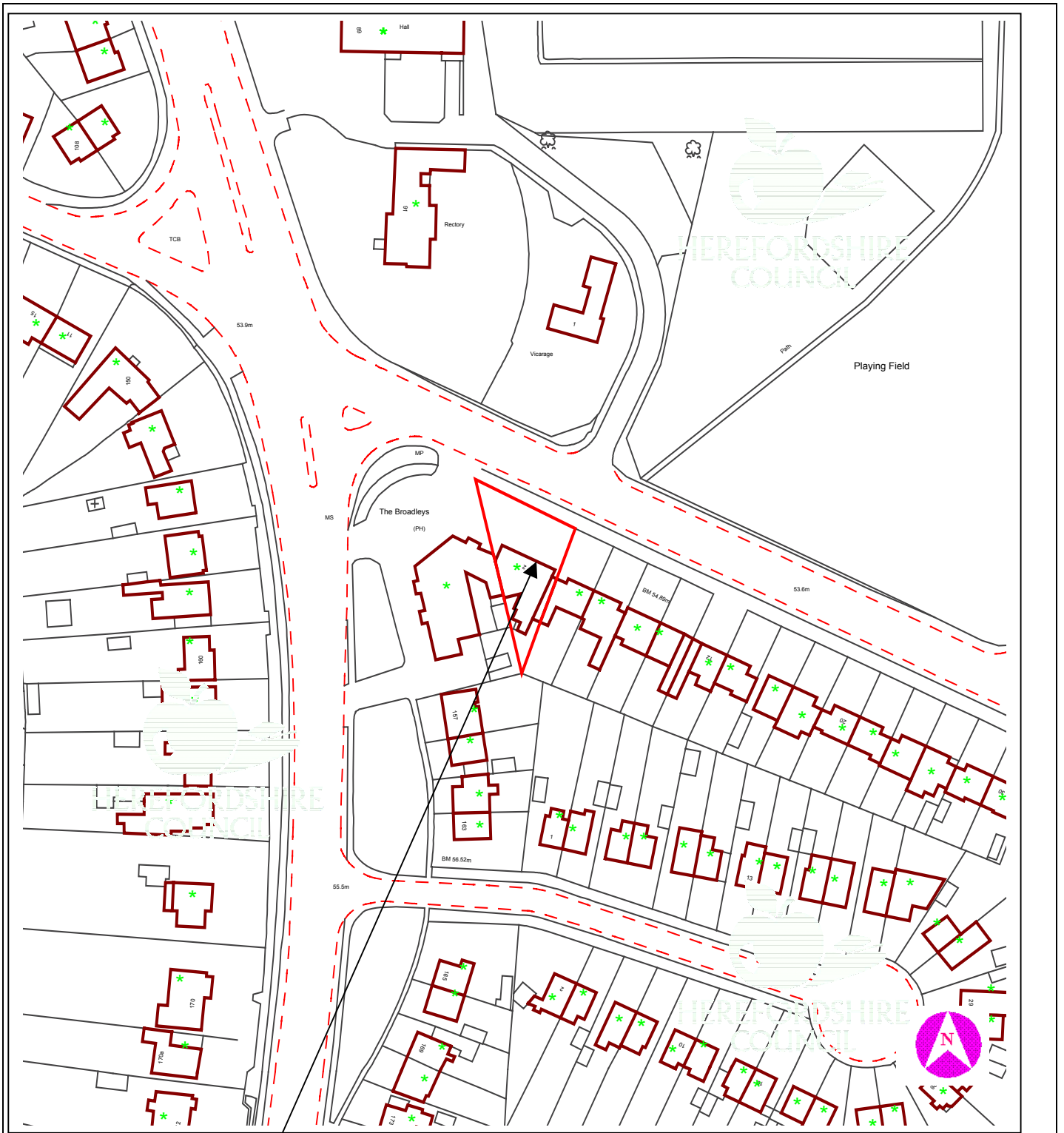
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: DCCE2005/2619/F

SCALE : 1 : 1250

SITE ADDRESS : 2 Holme Lacy Road, Hereford, Herefordshire, HR2 6BY

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

13 DCCW2005/2579/F - CHANGE OF USE FROM AGRICULTURAL TO A ONE FAMILY GYPSY CARAVAN SITE, PERMISSION FOR 2 CARAVANS AND STABLE BLOCK AT ASHGROVE CROFT, MARDEN, HEREFORD, HR1 3HA

For: Mr. R. Jones, Ashgrove Croft, Marden, Hereford, HR1 3HA

Date Received: 8th August, 2005 Ward: Sutton Walls Grid Ref: 54016, 49365

Expiry Date: 3rd October, 2005

Local Member: Councillor J.G.S. Guthrie

1. Site Description and Proposal

- 1.1 The application site is comprised of approximately 0.4 hectares of agricultural land, which forms part of a total holding of 1.6 hectares, located on the north side of an unclassified road which leads to the hamlet known as The Vault, situated approximately 1.5 kilometres to the southwest of the village of Bodenham.
- 1.2 The application seeks retrospective approval for the siting of a residential caravan, accompanied by a smaller touring caravan, which the applicant requires to continue their nomadic lifestyle. The application also proposes the erection of a small stable block, together with the laying out of an access track and parking area.
- 1.3 The application is submitted with an accompanying statement, which sets out the applicant's status as gypsies and their reason for resorting to the application site. It includes three letters of support and reference to the personal circumstances of the applicant's family.

2. Policies

2.1 Government Guidance:

PPG3	-	Housing
PPG7	-	The Countryside – Environment Quality and Economic and Social Development
PPG12	-	Development Plans
Circular 1/94	-	Gypsy Sites and Planning
Circular 18/94	-	Gypsy Sites Policy and Unauthorised Camping and Associated Revision of Advice on Tolerance Camping. A Good Practice Guide issued February 2004

2.2 Hereford and Worcester County Structure Plan:

Policy H16A	-	Development Criteria
Policy H20	-	Residential Development in Open Countryside
Policy G1	-	Provision of Sites

Policy G2	-	Location of Sites
Policy RC2	-	Locational Requirements
Policy CTC9	-	Development Criteria

2.3 South Herefordshire District Local Plan:

Policy GD1	-	General Development Criteria
Policy SH1	-	Housing Land Supply
Policy SH11	-	Housing in the Countryside
Policy SH14	-	Siting and Design of Buildings
Policy SH25	-	Gypsy Caravan Sites

2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S3	-	Housing
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy H7	-	Housing in the Countryside Outside Settlements
Policy H12	-	Gypsies and Other Travellers

2.5 Herefordshire Council Travellers policy – adopted in November 2002

3. Planning History

3.1 None relevant.

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 Traffic Manager: no objection, subject to the imposition of standard conditions.

4.3 Head of Environmental Health and Trading Standards: no objection.

4.4 Conservation Manager – The present location of the mobile home on the western side of the site gives rise to a modest impact on the visual amenity of the rural landscape, which can be overcome by relocating the siting to the east supplemented by a landscaping scheme.

5. Representations

5.1 Marden Parish Council: objection, summarised as follows:

- The application is retrospective.
- The site is not within reasonable distance of local services.

- The site is not adequately screened.
 - No evidence that the family is nomadic.
 - If this application was for a house and not gypsy accommodation, it would be refused.
- 5.2 One letter of objection has been received from Mr. Wingfield, The Headlands summarised as follows:
- The application is retrospective.
 - Loss of visual amenity within the open countryside.
- 5.3 A non-committal letter was also received from Mr. Priday, The Old Vicarage, which questioned whether or not the application site is served by mains water, the enquires about the suitability of any proposed drainage scheme.
- 5.4 Three general letters of support also accompanied the application from Mr. Bache, 1 & 2 Bowley Cottages; Mr. Troia, The Nook and Mr. Linton, Rowberry Court.

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 application site is located in an area of open countryside, outside of any identified settlement boundary, in either the adopted Local Plan or the emerging Unitary Development Plan, where residential development will not normally be permitted unless exceptional circumstances can be demonstrated.
- 6.2 Policy SH25 of the South Herefordshire District Local Plan makes specific provision for gypsy caravan sites, provided there is an identifiable need, and that the proposal is otherwise in accordance with relevant policies.
- 6.3 Independent confirmation has been received from the West Midlands Consortium Education Service for Travelling Children that Mr. & Mrs. Jones are of a traveller background having been previously known to the project officer for approximately 30 years.
- 6.4 It is considered that this information substantiates the documentation which accompanies the application indicating that Mr. & Mrs. Jones were born and bred into the local traveller community with relatives continuing to live in the Herefordshire area on other sites or having been now settled in permanent accommodation.
- 6.5 In light of the above, it is considered that the application can legitimately be considered against the provisions of Policy SH25 which deals specifically with Gypsy Caravan Sites.
- 6.6 Therefore key issues for consideration are the acceptability of the location of the application site in terms of sustainability and the associated visual impact of the residential caravan and associated structures on the character and appearance of the locality.

- 6.7 Whilst outside the settlement boundary, the site is located within reasonable proximity to Bodenham, which provides access to local services including a shop, public transport and a school which is attended by the applicant's younger daughter. Approximately 3 kilometres to the south Marden offers a similar range of services. The applicant's three elder children attending Minster School in Leominster, travelling via the school bus service which serves Bodenham and its surrounding area.
- 6.8 The application seeks consent for the stationing of one static and one mobile caravan and is therefore considered to be of a limited scale in terms of its effect upon the character and visual amenity of the area, the impact of which can be further reduced by conditions requiring the provision of a comprehensive landscaping scheme.
- 6.9 In conclusion, the supporting information satisfactorily sets out the genuine need of the development, and it is not considered that the impact and the effect of the development upon the visual amenities of locality would represent justifiable grounds for refusal in this instance.

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. Within two months of the date of this permission a layout plan for the re-siting of the mobile home, touring caravan and associated structures onto the eastern side of the application site shall be submitted to and approved by the local planning authority. The relocation of these structures shall be undertaken with a timescale to be agreed in writing with the local planning authority and shall thereafter be retained in the approved locations.**

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

- 3. This permission shall enure for the benefit of Mr. Ronald Jones and Mrs. Dorothy Jones only and not for the benefit of the land or any other persons interested in the land.**

Reason: The nature of the development is such that it is only considered acceptable in this location having regard to the applicant's special circumstances.

- 4. This permission relates to the siting of one mobile home and one touring caravan only. No other units of accommodation shall be brought onto, or occupied, on the site.**

Reason: The nature of the development is such that it is only considered acceptable in this location having regard to the applicant's special circumstances.

- 5. E11 (Private use of stables only).**

Reason: In order to safeguard the residential amenity of the area.

- 6. Within two months of the date of this permission, details of the proposed foul and surface water drainage arrangements shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented within three months of that written approval.**

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

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

Reason: To safeguard local amenities.

- 8. G09 (Retention of trees/hedgerows).**

Reason: To safeguard the amenity of the area.

- 9. Within two months of the date of this permission details of a scheme of landscaping shall be submitted to and approved by the local planning authority, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and any necessary tree surgery. All proposed planting shall be clearly described with species, sizes and planting numbers.**

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. H05 (Access gates) (5 metres).**

Reason: In the interests of highway safety.

- 12. H06 (Vehicular access construction).**

Reason: In the interests of highway safety.

Informatives:

- 1. N01 - Access for all.**
- 2. HN01 - Mud on highway.**
- 3. HN05 - Works within the highway.**
- 4. N15 - Reason(s) for the Grant of PP.**

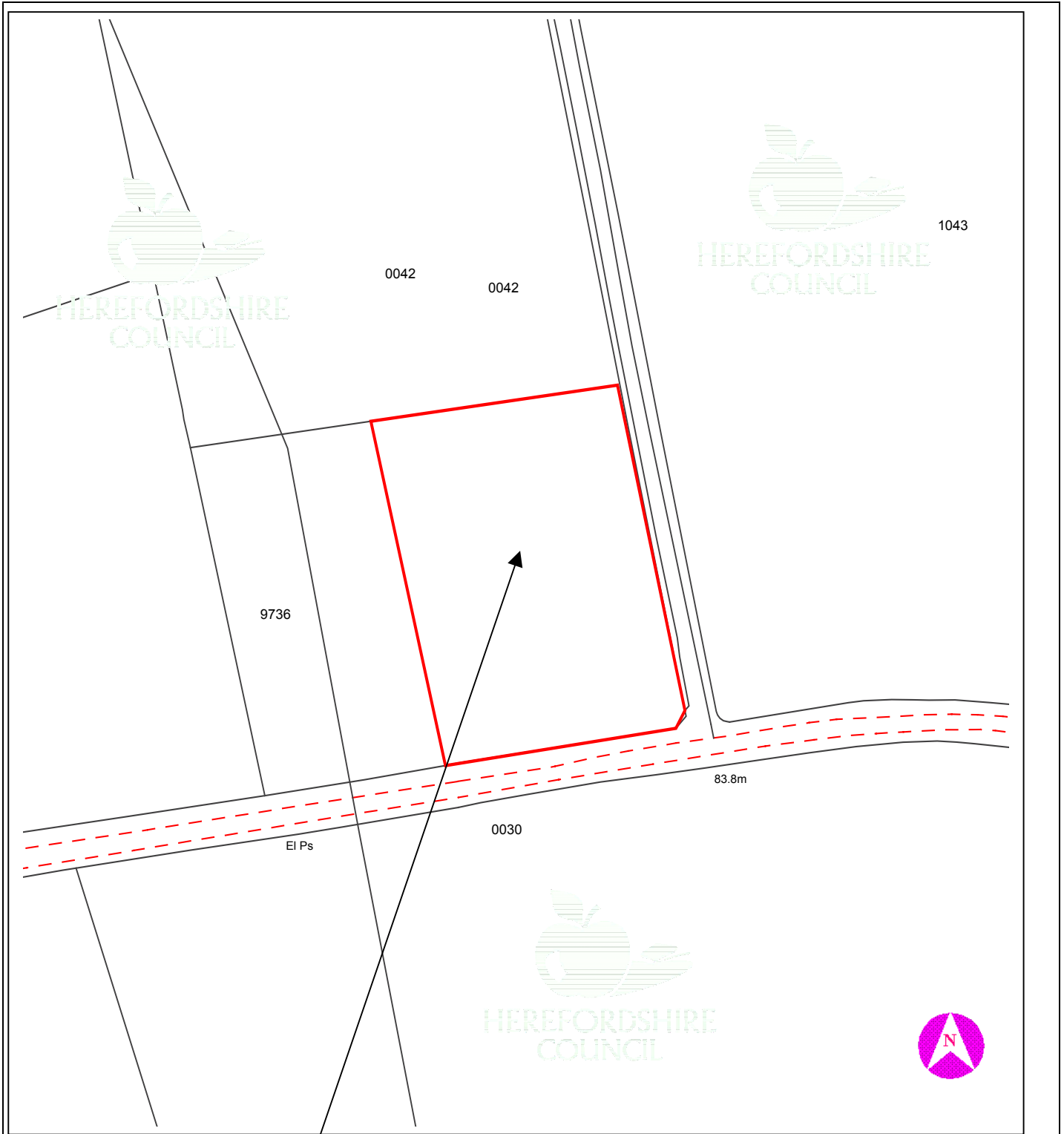
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: DCCW2005/2579/F

SCALE : 1 : 1250

SITE ADDRESS : Ashgrove Croft, Marden, Hereford, HR1 3HA

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

14 DCCW2005/2681/O - SITE FOR NEW BUNGALOW AT SITE ADJACENT TO ORCHARD LEA, CREDENHILL, HEREFORD, HR4 7EH

For: Mr. & Mrs. K. Havard per Mr. M. Keyse, Sawpits, Great Doward, Symonds Yat, Ross-on-Wye, HR9 6BP

Date Received: 15th August, 2005

Ward: Credenhill

Grid Ref: 44768, 43070

Expiry Date: 10th October, 2005

Local Member: Councillor R.I. Matthews

1. Site Description and Proposal

- 1.1 Orchard Lea is located on the south side of Mill Lane, Credenhill between Greenways and No. 1 Mill Close. The proposal in outline form, is to construct a bungalow in the rear garden with access running along the north western boundary. The access will be improved with a splay created to the south eastern side to match the existing splay on the opposite side of the driveway.
- 1.2 The land is presently laid to grass and forms the extended garden of Orchard Lea.
- 1.3 Publicity was undertaken in the form of letters to adjoining neighbours together with a site notice posted at the front of the site.

2. Policies

2.1 National:

- | | | |
|------|---|------------------------------------|
| PPS1 | - | Delivering Sustainable Development |
| PPG3 | - | Housing |

2.2 Hereford and Worcester County Structure Plan:

- | | | |
|-------------|---|--------------------------|
| Policy H18 | - | Housing in Rural Areas |
| Policy CTC9 | - | Development Requirements |

2.3 South Herefordshire District Local Plan:

- | | | |
|-------------|---|---|
| Policy SH6 | - | Housing Development in Larger Villages |
| Policy SH8 | - | New Housing Development Criteria in Larger Villages |
| Policy SH14 | - | Siting and Design of Buildings |
| Policy SH15 | - | Criteria for New Housing Schemes |

2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft):

- | | | |
|------------|---|--------------------------|
| Policy S1 | - | Sustainable Development |
| Policy S2 | - | Development Requirements |
| Policy S3 | - | Housing |
| Policy DR1 | - | Design |

Policy H4	-	Main Villages – Settlement Boundaries
Policy H13	-	Sustainable Residential Design
Policy H15	-	Density
Policy H12	-	Parking Provision

3. Planning History

- 3.1 SH930834/PF Loft conversion, new detached garage and alterations to existing garage. Approved 11th August 1993.
- 3.2 CW2000/3072/F New conservatory and utility room (the conservatory has already been erected). Approved 4th January 2001.
- 3.3 DCCW2005/1884/O Site for a new bungalow. Withdrawn 15th August 2005.

4. Consultation Summary

Statutory Consultations

- 4.1 None.

Internal Council Advice

- 4.2 Traffic Manager has no objection.

5. Representations

- 5.1 Credenhill Parish Council: raise no objections.
- 5.2 Three letters of objection have been received from Mr. L. Dodd, 3 Mill Close, Credenhill; Sheila McCulloch, 4 Mill Close, Credenhill and Mr. D. Cardey, 2 Mill Close, Credenhill.

The main points raised are:-

- The access road will run along the boundary with Mill Close and some of the dwellings in Mill Close are close to the boundary, therefore disturbance to residents will occur especially No. 4 where a granny annexe patio door are within 1.5 metres of the boundary.
- The area has already experienced considerable building work with several extensions and this would cause more disruption, dust, dirt and general hassle.
- If permission is granted a double thickness brick boundary wall allows the driveway needs to be constructed. Also the surface needs to be of a type to reduce noise not gravel.
- Privacy and amenity of residents of Mill Close needs to be protected as at present they only have the garden of Orchard Lea.

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

6. Officers Appraisal

- 6.1 The main issues in the consideration of this application relate to the principle of residential use in this part of Credenhill, the vehicular access and impact on adjoining residents.
- 6.2 With regards to the principle of residential use in the location, as the site is clearly located within the defined settlement boundary of the village and in accordance with Policy SH8, the principle of residential development is considered acceptable subject to site specific constraints.
- 6.3 Regarding the vehicular access, the outline plan provides for a 3 metre wide area within which the driveway could be constructed but this could be extended as the applicants owns all of the land along the south eastern boundary. This would then enable suitable boundary treatment to be provided which would protect the amenity of the residents of 1-4 Mill Close. In addition a condition requiring the driveway to have a sealed surface, tarmacadam or similar will be recommended. This, it is considered would overcome the concerns raised by local residents.
- 6.4 The access with Mill Lane will also be improved with a splay across the front of Orchard Lea being provided. The Traffic Manager raises no objection to the access improvements as proposed.
- 6.5 The site itself is well screened from adjoining property and its development would not impact upon the amenity of adjoining residents subject to conditions relating to retaining the single storey scale and ensuring no alterations to the roof.
- 6.6 In conclusion, it is considered that the main area of concern is the access to this plot of land. However this issue together with the other concerns expressed by local residents can be overcome by attaching appropriate conditions.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

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

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

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

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

- 4. A05 (Plans and particulars of reserved matters).**

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

- 5. The development shall be single storey only and no dormer windows, roof lights or other similar structures shall be constructed within the roof space.

Reason: In order to protect the amenities of nearby residents.

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

Reason: To protect the amenity of local residents.

- 7. F17 (Scheme of foul drainage disposal).

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

- 8. The boundary treatment of the driveway and properties on Mill Close shall be submitted for approval in writing of the local planning authority prior to works commencing on site and shall form a fixed treatment of wall/fence together with soft landscaping. The boundary treatment shall be constructed prior to occupation and maintained in accordance with the approved details.

Reason: In order to protect the amenities of nearby residents.

- 9. The surface treatment of the driveway shall be a sealed surface, tarmacadam or similar to the approval in writing of the local planning authority and maintained in accordance with the approved details.

Reason: In order to protect the amenities of nearby residents.

- 10. H13 (Access, turning area and parking).

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

Informative:

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

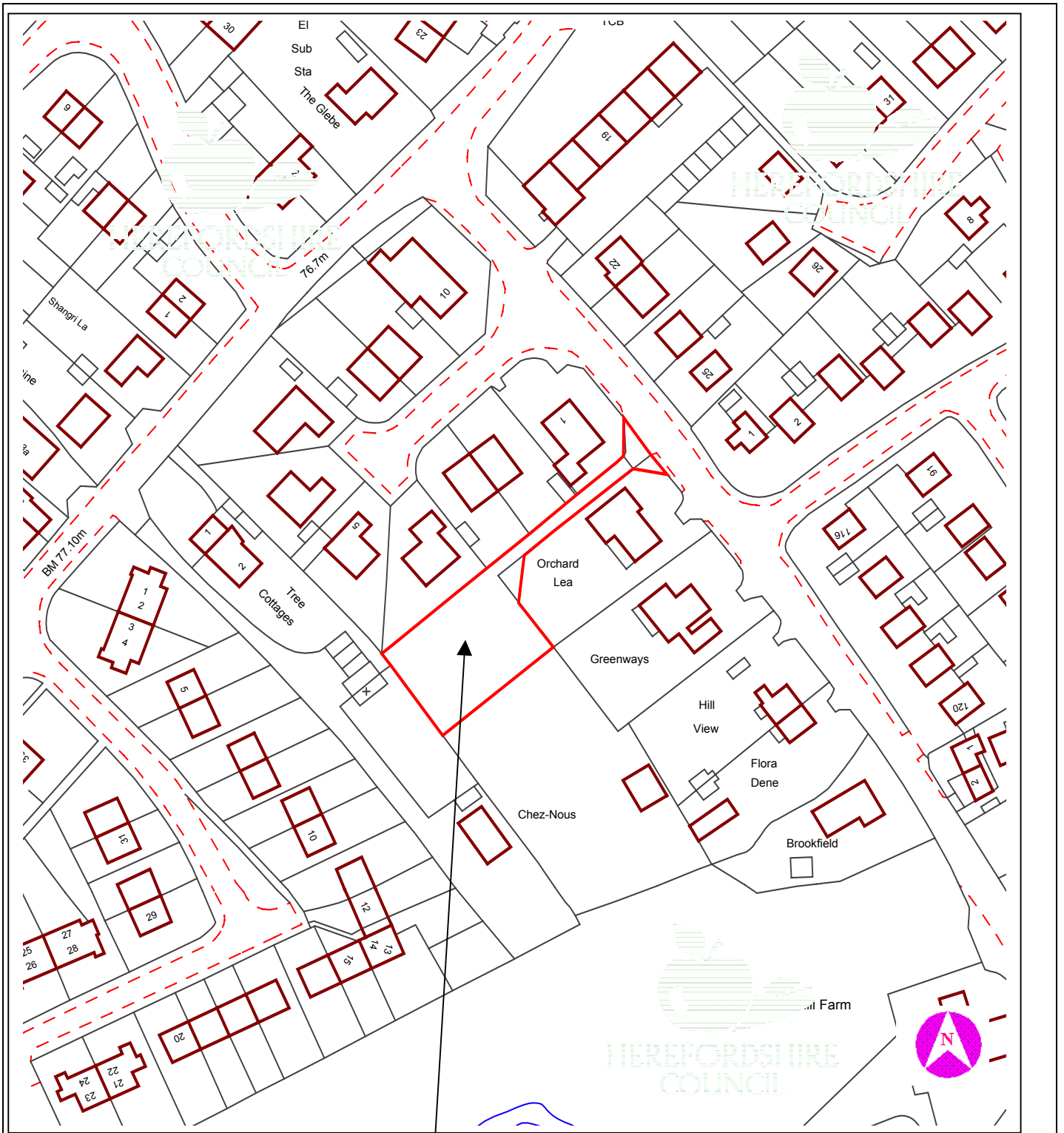
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: DCCW2005/2681/O

SCALE : 1 : 1250

SITE ADDRESS : Site Adjacent to Orchard Lea, Credenhill, Hereford, HR4 7EH

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

