

Central Area Planning Sub-Committee

Date: **Wednesday, 20th February, 2008**

Time: **2.00 p.m.**

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

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

For any further information please contact:

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**County of Herefordshire
District Council**

AGENDA

for the Meeting of the Central Area Planning Sub-Committee

To: Councillor JE Pemberton (Chairman)
Councillor GA Powell (Vice-Chairman)

Councillors PA Andrews, WU Attfield, DJ Benjamin, AJM Blackshaw, ACR Chappell, SPA Daniels, H Davies, GFM Dawe, PJ Edwards, DW Greenow, KS Guthrie, MAF Hubbard, TW Hunt (ex-officio), MD Lloyd-Hayes, RI Matthews, AT Oliver, SJ Robertson, RV Stockton (ex-officio), AP Taylor, AM Toon, NL Vaughan, WJ Walling, DB Wilcox and JD Woodward

	Pages
<p>1. APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence.</p>	
<p>2. DECLARATIONS OF INTEREST</p> <p>GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS</p> <p>The Council's Members' Code of Conduct requires Councillors to declare against an Agenda item(s) the nature of an interest and whether the interest is personal or prejudicial. Councillors have to decide first whether or not they have a personal interest in the matter under discussion. They will then have to decide whether that personal interest is also prejudicial.</p> <p>A personal interest is an interest that affects the Councillor more than most other people in the area. People in the area include those who live, work or have property in the area of the Council. Councillors will also have a personal interest if their partner, relative or a close friend, or an organisation that they or the member works for, is affected more than other people in the area. If they do have a personal interest, they must declare it but can stay and take part and vote in the meeting.</p> <p>Whether an interest is prejudicial is a matter of judgement for each Councillor. What Councillors have to do is ask themselves whether a member of the public – if he or she knew all the facts – would think that the Councillor's interest was so important that their decision would be affected by it. If a Councillor has a prejudicial interest then they must declare what that interest is and leave the meeting room.</p>	
<p>3. MINUTES</p> <p>To approve and sign the Minutes of the last meeting.</p>	1 - 20
<p>4. ITEM FOR INFORMATION - APPEALS</p> <p>To note the Council's current position in respect of planning appeals for the central area.</p>	21 - 24

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.

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| <p>5. DCCW2007/0871/M - WELLINGTON QUARRY, MARDEN LANE, WELLINGTON, HEREFORDSHIRE</p> <p>Proposed southern extension to operations.</p> <p>Wards: Sutton Walls and Wormsley Ridge</p> | <p>25 - 60</p> |
| <p>6. DCCE2007/2720/F - WHITETHORN FARM, CAREY, HOARWITHY, HEREFORDSHIRE, HR2 6NG</p> <p>Erection of glasshouse.</p> <p>Ward: Hollington</p> | <p>61 - 68</p> |
| <p>7. DCCE2007/3860/RM - LAND OFF BULLINGHAM LANE, HEREFORD, HEREFORDSHIRE, HR2 7RY</p> <p>A development of 151 dwellings consisting of 2,3,4 & 5 bedroom houses with 1+2 bedroom apartments (Phase 3).</p> <p>Ward: St. Martins & Hinton</p> | <p>69 - 84</p> |
| <p>8. DCCW2007/3940/F - MARSHALL BUSINESS CENTRE, WESTFIELDS TRADING ESTATE, HEREFORD, HR4 9NS</p> <p>Proposed development of two buildings (4 units) for small business B1 and B8 use - light industrial.</p> <p>Ward: Three Elms</p> | <p>85 - 92</p> |
| <p>9. DATES OF FORTHCOMING MEETINGS</p> <p>19th March, 2008</p> <p>16th April, 2008</p> <p>14th May, 2008</p> | |

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

MINUTES of the meeting of Central Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 23rd January, 2008 at 2.00 p.m.

Present: Councillor JE Pemberton (Chairman)
Councillor GA Powell (Vice Chairman)

Councillors: WU Attfield, DJ Benjamin, H Davies, GFM Dawe, PJ Edwards, DW Greenow, KS Guthrie, MAF Hubbard, MD Lloyd-Hayes, RI Matthews, AT Oliver, SJ Robertson, AP Taylor, WJ Walling and JD Woodward

In attendance: Councillors RV Stockton (ex-officio)

109. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors PA Andrews, AJM Blackshaw, ACR Chappell, SPA Daniels, AM Toon, NL Vaughan and DB Wilcox. Apologies were also received from Councillor TW Hunt (ex-officio).

110. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillor	Item	Interest
SJR Robertson	Minute 116, Agenda Item 8 DCCW2007/3399/F Land off Station Road, Hereford, Herefordshire, HR4 0AY	Declared a prejudicial interest and left the meeting for the duration of the item.
AT Oliver	Minute 119, Agenda Item 11 DCCE2007/3378/F Plot 1, Peacock Lodge, Ridgehill, Hereford, Herefordshire, HR2 8AE	Declared a prejudicial interest and left the meeting for the duration of the item.
AP Taylor	Minute 120, Agenda Item 12 DCCE2007/3542/F 16 Aylestone Hill, Hereford, Herefordshire, HR1 1HS	Declared a prejudicial interest following the public speaking period and left the meeting for remainder of the item.

111. MINUTES

RESOLVED: That the minutes of the meeting held on 19th December, 2007 be approved as a correct record and signed by the Chairman.

112. ITEM FOR INFORMATION - APPEALS

The Sub-Committee received an information report about the Council's current position in respect of planning appeals for the central area.

The Development Control Manager reported that an application in relation to the final phase of development at Bradbury Lines, Hereford was likely to be submitted to the Sub-Committee for consideration at a forthcoming meeting. He felt that members would benefit from a site inspection in advance of the Sub-Committee meeting; he cited all three grounds for holding a site inspection as detailed in the Constitution. The Sub-Committee supported this suggestion.

113. DCCE2007/3249/F - HAMPTON GRANGE NURSING HOME, 48-50 HAMPTON PARK ROAD, HEREFORD, HEREFORDSHIRE, HR1 1TH [AGENDA ITEM 5]

Erection of nine apartments with associated car parking and landscaping.

The following update was reported:

- An e-mail had been received from the applicant in support of the application, pointing out the compliance with policy and the sustainable location.

In accordance with the criteria for public speaking, Mrs. Tagg spoke in support of the application.

Councillor MD Lloyd-Hayes, a Local Ward Member, commented on local residents' concerns about the loss of trees but felt that, subject to sensitive management of the landscape, the proposal was acceptable. In response to a question, the Senior Planning Officer advised that the Nature Conservation Management Plan was a voluntary undertaking by the applicant and was supported by the Conservation Manager (Ecology).

Councillor WJ Walling, a Local Ward Member, considered the proposal to be well thought out, welcomed the proposed planning obligation agreement and felt that the design would complement the Conservation Area.

Councillor AP Taylor, the other Local Ward Member, supported the application, especially given the incorporation of solar panels and other sustainable measures in the scheme.

Councillor PJ Edwards noted that the report stated (in paragraph 6.6, page 17) that the roof provided 'ample opportunity for the introduction of solar panels as demonstrated on the architectural drawings' and he felt that the panels should be required as part of any planning permission granted, particularly given emerging planning policy on renewable energy schemes. The Senior Planning Officer advised that a condition could be added to require the solar panels to remain in situ and be useable thereafter.

In response to a question from Councillor MAF Hubbard, the Senior Planning Officer confirmed that Natural England would be consulted as part of the Nature Conservation Management Plan.

In response to a question from Councillor AT Oliver, the Senior Planning Officer advised that the development could not be required to meet level three of the Code for Sustainable Homes. He added that, as the technical criteria was not yet known, it would be unreasonable to require a condition to this effect. He noted that there were, nevertheless, a number of sustainable initiatives included in the scheme.

Councillor GFM Dawe questioned the sustainability considerations, particularly as the inclusion of nine parking spaces would increase car usage at the site, and felt that the development would have a deleterious impact. The Senior Planning Officer advised that the provision of one parking space per unit was a minimum requirement

and the lack of additional parking should encourage modal shift. In response to Councillor Dawe's concerns about the loss of the hedgerow, the Senior Planning Officer also advised that the applicant was prepared to replant a beech hedge behind the line of the required visibility splay; he added that hedgerows were not protected under Tree Preservation Orders or Conservation Area legislation.

RESOLVED:

- 1) **The Legal Practice Manager be authorised to complete a planning obligation under Section 106 of The Town and Country Planning Act 1990 in accordance with the Heads of Terms appended to this report and incorporating any additional matters he considers appropriate.**
- 2) **Upon completion of the aforementioned planning obligation that officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any further 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. **F16 (Restriction of hours during construction).**
Reason: To protect the amenity of local residents.
 5. **No surplus excavated top or sub soil shall be spread or deposited within the application site, but shall be disposed of carefully in accordance with a method statement that has first been submitted to and approved in writing by the local planning authority.**
Reason: In order to safeguard the health of protected trees on the site in accordance with Policy LA5 of the Herefordshire Unitary Development Plan 2007.
 6. **F48 (Details of slab levels).**
Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.
 7. **Before any other works hereby approved are commenced, visibility splays shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 2.4 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 90 metres in each direction along the nearside edge of the adjoining carriageway as per amended plan 2007-**

526/Sk003 Rev A. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

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

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

- 10. H27 (Parking for site operatives).**

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

- 11. H29 (Secure covered cycle parking provision).**

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

- 12. H30 (Travel plans).**

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives.

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

a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority. All tree works shall be carried out in accordance with BS3998.

b) If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time, as may be specified in writing by the local planning authority.

Reason: To ensure proper care and maintenance of trees.

- 14. No works or development shall take place or materials, plant or equipment brought on to site until a scheme for the protection of the retained trees (section 7, BS59837, the Tree Protection Plan) has been agreed in writing with the local planning authority. This scheme shall**

include:

- a) A plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (para. 5.2.2 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan.
- b) The details of each retained tree as required at para. 4.2.6 of BS5837 in a separate schedule.
- c) A schedule of tree works for all the retained trees in paragraph (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 1989, Recommendations for tree work.
- d) The details and positions shown on the plan at paragraph (a) above of the Ground Protection Zones (section 9.3 of BS5837).
- e) The details and positions (shown on the plan at paragraph (a) above of the Tree Protection Barriers (section 9.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected to the satisfaction of the local planning authority prior to each construction phase commencing and remain in place and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.
- f) The details and positions (shown on the plan at paragraph (a) above of the Construction Exclusion Zones (section 9 of BS5837).
- g) The details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 11.7 of BS5837).
- h) The details of the working methods to be employed for the installation of drives and paths within the RPAs of retained trees in accordance with the principles of "No-Dig" construction.
- i) The details of tree protection measures for the hard landscaping phase (section 13 and 14 of BS5837).
- j) The timing of the various phases of the works or development in the context of the tree protection measures.

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

15. A hedgerow shall be planted in replacement of the roadside hedgerow to be removed in accordance with details to be submitted to and agreed in writing by the local planning authority. Submitted details shall include clarification of plant species, age, number and location. Planting should take place within the first available planting season. Any plants, which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Plants failing more than once shall continue to be replaced on an annual basis until the end of the five year defects period.

Reason: To protect the visual amenities of the Conservation Area.

16. Foul water and surface water discharges shall be drained separately from the site.

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

17. No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system unless otherwise approved in writing by the local planning authority.

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. Land drainage run-off shall not be permitted to discharge, either directly or indirectly into the public sewerage system.

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

19. The development shall be occupied in accordance with the Travel Plan (Foxley Tagg Planning Ltd, October 2007) submitted as part of the planning application.

Reason: To ensure the promotion of sustainable modes of transport.

Informatives:

1. HN01 - Mud on highway.
2. HN04 - Private apparatus within highway.
3. HN05 - Works within the highway.
4. N02 - Section 106 Obligation.
5. N19 - Avoidance of doubt.
6. N15 - Reason(s) for the Grant of PP/LBC/CAC.

114. DCCW2007/3582/F - 10 LUARD WALK, HEREFORD, HEREFORDSHIRE, HR2 7BA [AGENDA ITEM 6]

Construction of a single dwelling.

The following update was reported:

- An e-mail had been received from the applicant in support of the application.

The Senior Planning Officer confirmed that the Environment Agency was satisfied with the Flood Risk Assessment and proposed slab levels.

Councillor H Davies, a Local Ward Member, felt that the access and car parking

arrangements could compromise highway safety, particularly given the position of the site on a popular cycleway and next to a children's play area.

Councillor PJ Edwards, also a Local Ward Member, questioned the ownership of an area of land fronting the highway as he felt that the enclosure of this land would make it more likely for vehicles to reverse out of the site which would exacerbate the risk of accidents on the strategic cycleway. He felt that greater emphasis should have been given to the importance of the cycleway. He also felt that the proposed development would have a detrimental impact on the Conservation Area and on the natural habitat along the riverbank.

Councillor GA Powell, the other Local Ward Member, did not feel that there had been enough consultation about flooding and riverbank erosion. She also highlighted concerns about highway safety, overlooking onto the children's play area, setting a precedent and the impact on the character and amenity of the area.

The Senior Planning Officer responded to members' concerns as follows: the Traffic Manager had no objections subject to conditions; the Environment Agency was satisfied with the proposal; the River Wye had a number of important designations but Natural England did not control the bank tops; although unkempt, the area concerned was within the domestic curtilage of 10 Luard Walk and there was no issue about the loss of wild space; and the proximity of the development to the play area could be considered a community safety gain as it would allow a degree of passive overlooking.

Councillor DW Greenow noted the concerns of the Local Ward Members but felt that, given the advice of officers, it might be difficult to sustain a refusal of planning permission on appeal. In response to a question, the Senior Planning Officer advised that the Traffic Manager had recommended standard conditions, namely conditions 7 to 11.

The Development Control Manager did not feel that a number of the issues raised in the debate could be substantiated as reasons for refusal. Referring to Policy DR3 (Movement), he noted that a judgement needed to be taken on the impact of additional residential traffic on the footpath/cycleway but questioned whether the traffic generated by one additional dwelling would be so significant as to warrant refusal. It was suggested that members' concerns about boundary treatments could be addressed through the removal of permitted development rights.

In response to a question from Councillor AT Oliver, the Development Control Manager advised that the development could be required to meet level three of the Code for Sustainable Homes. However, it was not yet known what the technical specification for level four would be and, therefore, it would be unreasonable to require level four at this time.

Councillor MD Lloyd-Hayes noted that the Environment Agency had no objections and she did not feel that a single dwelling would have an unacceptable impact on the public highway, on the play area or on residential amenity. A number of members expressed similar views.

Councillor Edwards did not consider that the proposed parking area would provide sufficient space for vehicles to manoeuvre and join the highway in a forward gear and maintained that the development would compromise highway safety on the strategic cycleway.

A motion to refuse the application was lost and the resolution below was then

agreed.

RESOLVED:

That planning permission be granted subject to the following conditions:

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

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

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

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

3. **The finished slab level of the dwellings hereby approved shall be set no lower than 54.43 metres above Ordnance Datum.**

Reason: To protect the development from flooding in accordance with Policy DR7 of the Herefordshire Unitary Development Plan 2007.

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

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

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

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

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

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

7. **H06 (Vehicular access construction).**

Reason: In the interests of highway safety.

8. **H09 (Driveway gradient).**

Reason: In the interests of highway safety.

9. **H13 (Access, turning area and parking).**

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

10. **H05 (Access gates).**

Reason: In the interests of highway safety.

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

Reason: To prevent indiscriminate parking in the interests of highway

safety.

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

Reason: To safeguard residential amenity.

Informatives:

1. N01 - Access for all.
 2. N03 - Adjoining property rights.
 3. HN05 - Works within the highway.
 4. All machinery and plant shall be operated and maintained in accordance with BS5228: 1997 'Noise Control of Construction and Open Sites'.
 5. N19 - Avoidance of doubt.
 6. N15 - Reason(s) for the Grant of PP/LBC/CAC.
115. [A] DCCW2007/2633/F AND [B] DCCW2007/2634/C - WAREHOUSE AT LAND ADJACENT TO 47 BARTON ROAD, HEREFORD, HEREFORDSHIRE, HR4 0AY [AGENDA ITEM 7]

Demolition of existing vacant warehouse for three no. terraced town houses and associated parking facilities.

The Principal Planning Officer recommended an additional condition to require the development to meet level three of the Code for Sustainable Homes.

Councillor JD Woodward, a Local Ward Member, commented on the value of the site inspection that had been held, particularly as it provided members with the opportunity to view the relatively small footprint of the site. She expressed concerns about the lack of amenity space, the design approach, and the potential impact of the access and parking arrangements on highway safety. Therefore, she proposed that the application be refused.

Councillor DJ Benjamin, the other Local Ward Member, felt that the site needed to be redeveloped but felt that the design would be out of keeping with Barton Manor and the character of the street scene. He also expressed concerns about highway safety.

The Principal Planning Officer advised that the objections of the Conservation Area Panel mainly related to materials and the scheme had been revised since the comments were made. He also advised that the development would be set back from the road in order to provide a pedestrian footpath along the frontage, with a rail to prevent accidental transgression into the road.

Councillor PJ Edwards, noting that development had to preserve or enhance the character of the Conservation Area, felt that the scale and design of this proposal would have a detrimental impact and supported the views of the Local Ward

Members. He also felt that it would be difficult to achieve safe access to and from the underground parking area and commented on the technical challenges of this element of the scheme.

In response to concerns expressed about highway safety, the Principal Planning Officer reported that the access and parking arrangements had been informed by pre-application discussions with the Traffic Manager, who had no objections to the proposal subject to conditions.

Members debated the merits of the contemporary design approach and the potential impact on the Conservation Area setting.

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 applications to the Planning Committee:**

CW2007/2663/F

- 1. The proposal by reason of its design and appearance would appear out of keeping with the character and appearance of the Conservation Area and furthermore the absence of private amenity space to serve the three bed dwellings proposed would lead to an inadequate level of residential amenity within the scheme contrary to Policies DR1, H13 and HBA6 of the Herefordshire Unitary Development Plan 2007.**

CW2007/2634/F

- 1. The proposal to demolish the warehouse is contrary to Policy HBA7 of the Herefordshire Unitary Development as planning permission for its redevelopment has been refused.**
- (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, although the resolution was contrary to the officers' recommendation, he was not minded to refer the matter to the Head of Planning Services.]

116. DCCW2007/3399/F - LAND OFF STATION ROAD, HEREFORD, HEREFORDSHIRE, HR4 0AY [AGENDA ITEM 8]

Erection of 4 no. 2 bedroom dwellings.

The following update was reported:

- A letter had been received from the applicant reiterating the comments made at

the last meeting.

Councillor JD Woodward, a Local Ward Member, commented on the constrained nature of the site and was concerned about the lack of amenity space. Councillor Woodward noted the concerns of local residents about parking in the area and felt that a residents' parking scheme should be introduced to alleviate the difficulties already being experienced there. Councillor DJ Benjamin, the other Local Ward Member, supported these views.

The Principal Planning Officer suggested that members' comments be passed to the Traffic Manager to highlight the concerns about parking and request that consideration be given to a residents' parking scheme in the area. He added that the scale of the development fell below the established threshold for negotiating financial contributions from the developer.

Councillor MD Lloyd-Hayes said that this was a good use of a brownfield site and noted the level of demand for two-bedroom accommodation. A number of other members spoke in support of the application but acknowledged the need to address the parking situation.

Councillor AT Oliver opposed the proposal as he felt that it represented an over-intensive form of development.

Councillor PJ Edwards felt it essential that a residents' parking scheme be required through a condition to ensure that it was forthcoming.

The Principal Planning Officer recommended an additional condition to require the development to meet level three of the Code for Sustainable Homes.

RESOLVED:

That planning permission be granted subject to the following conditions:

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

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

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

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

3. **E18 (No new windows in specified elevation) (rear and side).**

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

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

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

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

Reason: To protect the amenity of local residents.

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

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

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

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

8. **H11 (Parking - estate development (more than one house)).**

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

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

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

10. **The development shall be designed and constructed to meet level three of the Code for Sustainable Homes: A Step Change in Sustainable Home Building Practice Design dated December 2006 or equivalent standard as may be agreed in writing with the local planning authority. No development shall commence until authorised certification has been provided confirming compliance with the agreed standard and prior to the occupation of the last dwelling, further certification shall be provided confirming that the development has been constructed in accordance with the agreed standard.**

Reason: To promote the sustainability of the development hereby approved in accordance with Policies S1 and H13 of the Herefordshire Unitary Development Plan 2007 and PPS1 Supplement 'Planning and Climate Change'.

Informatives:

1. **N14 - Party Wall Act 1996.**
2. **N19 - Avoidance of doubt.**
3. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**

117. **DCCW2007/3403/F - WOODFIELDS FARM, TILLINGTON COMMON, TILLINGTON, HEREFORDSHIRE, HR4 8LP [AGENDA ITEM 9]**

Proposed conversion of existing stone barn and attached ancillary building into 2 no. residential units.

Given claims made by a member of the public in a letter to Councillors, the Chairman invited Councillor SJ Robertson, the Local Ward Member, to comment. Councillor Robertson advised that, in accordance with Code of Conduct, she had not indicated whether she supported or opposed the application prior to the meeting and contact with the applicant was limited to giving procedural advice. The Legal Practice Manager advised that he had discussed the situation with Councillor Robertson and was satisfied that, on the information provided, the Councillor did not have a personal or prejudicial interest to declare.

The following updates were reported:

- Correspondence had been received from the applicant in support of the application.
- Four letters of support had been received.
- An e-mail had been received from Mr. S. Vaughan which stated that the report was not correct as the whole scheme was for conversion with all the buildings being retained and that there were no extensions.

In response to the additional representations, the following officer comment was reported:

- *To enable the buildings to be converted into two dwellings the lean-to together with the corrugated addition are required to be substantially demolished and rebuilt therefore forming extensions to the main stone barn. Your officers are therefore satisfied that the report accurately reflects the proposal before members.*

In accordance with the criteria for public speaking, Mrs. Reynolds spoke on behalf of Burghill Parish Council and Mrs. Eagling spoke in support of the application.

Councillor SJ Robertson, the Local Ward Member, thanked the Principal Planning Officer for his work on this scheme. Councillor Robertson noted that the Parish Plan had identified the need for affordable housing, particularly for young people who had been priced out of existing local housing, and this proposal provided the opportunity for the family concerned to live at the farm and manage the smallholding into the future. She felt that the proposal, subject to appropriate mitigation measures, would not cause harm to the character of the farm complex or to the wider countryside and proposed that the application be supported.

Councillor RI Matthews concurred with the views of the Local Ward Member and noted that Burghill Parish Council had no objection to the application and local residents supported it. He did not feel that conversion of the outbuildings would have a significant impact and said that a common sense approach needed to be taken to the policy considerations.

Councillor MAF Hubbard commented that references to affordable housing were misleading as the development would be for the benefit of the family concerned rather than the wider community through a social housing provider. However, he acknowledged the specific needs of the applicants and suggested that any planning permission granted be restricted to people working on the smallholding.

The Principal Planning Officer noted that a personal condition or a condition preventing the dwellings being sold separately from each other could be imposed but did not feel that this would entirely overcome the policy objections and other material planning considerations.

Councillor PJ Edwards commented that the footprint of other lean-to extensions to rural buildings had been included in other conversion schemes. In response to a question, the Principal Planning Officer advised that the footprint of the buildings would actually reduce in this instance but emphasised that, whilst the stone barn was worthy of conversion, the additions were not worthy of retention and drew attention to the comments of the Conservation Manager (Historic Buildings). Given the overall reduction in footprint, Councillor Edwards felt that the application could be supported subject to a personal condition.

In response to comments by members, the Development Control Manager outlined the potential complications of a personal condition. He said that the case had not been made for agricultural need and the dwellings would not meet the criteria for affordable housing. Therefore, the proposal was contrary to the authority's current policies.

Councillor Matthews felt that members needed to focus on the application before them, rather than possible future scenarios, and re-iterated his support for the application.

RESOLVED:

That

(i) The Central Area Planning Sub-Committee is minded to approve the application, subject to the condition listed below (and to any further conditions 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. This permission shall enure for the benefit of the applicant and her dependants and not for the benefit of the land or any other persons interested in the land.

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

[Note:

Following the vote on this application, the Development Control Manager advised that, as the resolution was contrary to the officers' recommendation and there were crucial policy issues at stake, he was minded to refer the matter to the Head of Planning Services.]

118. DCCE2007/3707/F - 18 FROME COURT, BARTESTREE, HEREFORD, HEREFORDSHIRE, HR1 4BF [AGENDA ITEM 10]

Glazed porch to rear elevation.

In accordance with the criteria for public speaking, Mr. Wilson spoke on behalf of Bartestree and Lugwardine Group Parish Council and Mrs. Griffiths spoke in support of the application.

Councillor DW Greenow, the Local Ward Member, noted the difficulties being experienced by the applicant as a result of the exposed elevation and felt that the introduction of a glazed porch was an acceptable solution.

Councillor RI Matthews felt that the recommended reason for refusal might not be defensible on appeal and that the porch was a practical way to reduce heat loss from the dwelling, subject to high quality materials and finishing.

Councillor MAF Hubbard commented that the photographs, displayed as part of the officer's presentation, had illustrated why permitted development rights had been removed, in order to protect the architectural quality of the development and the

importance of the wider setting. He suggested that the applicant should contact the site developer about problems with the property.

Councillor AT Oliver noted the reasons why permitted development rights were removed on the original grant of planning permission and did not feel that there was a reason to reinstate them.

Councillor PJ Edwards noted the reasoning behind the recommendation of refusal but did not feel that the porch would be visually intrusive or compromise the integrity of the design approach.

The Senior Planning Officer advised that officers maintained the view that the design would not be in keeping with the existing elevation and would have a detrimental impact.

RESOLVED:

That planning permission be refused for the following reason:

- 1. The proposed extension, by virtue of the detailed design, together with the careful and consistent composition of the existing elevation, is considered detrimental to the character and appearance of the dwelling and the wider terrace, in a manner contrary to Policy H18 of the Herefordshire Unitary Development Plan 2007.**

119. DCCE2007/3378/F - PLOT 1, PEACOCK LODGE, RIDGEHILL, HEREFORD, HEREFORDSHIRE, HR2 8AE [AGENDA ITEM 11]

Four polyhouses 17m x 5m for the production of ornamental vegetable plants etc.

The following update was reported:

- A letter of support from Paul Keetch MP had been received but with a recommendation that the number of polytunnels be reduced from 4 to 2 in order to reduce the visual impact.

In response to the additional representation, the following officer comment was reported:

- *The development as submitted for four polytunnels is considered acceptable in visual and landscape terms therefore no change is recommended.*

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

Councillor GFM Dawe, the Local Ward Member, commented on the sensitive landscape character of the area and felt that the proposal would have a detrimental visual impact; he added that wooden and glass greenhouses would be better than polytunnels.

Councillor PJ Edwards supported the application, contrasted this scheme to the large-scale polytunnel developments elsewhere in the county, and commented on the need to encourage small-scale agricultural and horticultural enterprises. Councillor MAF Hubbard concurred, wished the applicants success with the venture and, noting the concerns of the Local Ward Member, hoped that there might be opportunity for investment in less intrusive structures in the future.

RESOLVED:

That planning permission be granted subject to the following conditions:

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

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

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

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

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

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

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

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

5. **There shall be no sales of any produce or products directly from the site to visiting members of the public.**

Reason: In the interests of residential and visual amenity and sustainable development.

Informatives:

1. **N19 - Avoidance of doubt.**
2. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**

120. DCCE2007/3542/F - 16 AYLESTONE HILL, HEREFORD, HEREFORDSHIRE, HR1 1HS [AGENDA ITEM 12]

Change of use from two flats (residential) to House in Multiple Occupation [HMO]

The following updates were reported:

- A plan has been received illustrating the capacity to create 7 parking spaces with a turning area.
- A letter of objection had been received from Mr. Bolt and the main points were summarised.
- E-mail correspondence had been received from Councillor DB Wilcox, a Local Ward Member, and the main points were summarised. Councillor Wilcox felt that the application should be refused on the grounds that the change of use would be out-of-keeping and detrimental to the character of the area.

In response to the additional representations, the following officer comment was reported:

- *There is no evidence to suggest that the proposal will cause any increased impact on local amenity or any tangible impact on the character of the area.*

In accordance with the criteria for public speaking, Mr. Bolt spoke in objection to the

application. Mr. Goldsworthy had registered to speak in support of the application but was not present at the meeting.

In response to some of the points raised, the Principal Planning Officer commented that the site was in a sustainable location, close to transport links and other local amenities. He also commented that it could be difficult to sustain a refusal reason based on the impact on the character of the area as there was no distinct land use due the variety of commercial and residential uses in the locality; it was noted that no internal or external alterations were required to achieve the conversion. It was noted that the change of use could increase general activity at the property but, given the proximity of a busy main road and footpath links, officers did not consider that an HMO would have a significant impact on neighbouring properties.

Councillor DW Greenow, referring to Councillor Wilcox's representation, did not feel that any area was suitable for HMOs and considered such accommodation to be outdated. He proposed that the application be refused on the basis that the proposal would have a detrimental impact on the character of the area and represented a form of over-development. Councillor WJ Walling supported this view and questioned whether approval might make it more difficult to resist similar proposals in the future.

Councillor MAF Hubbard noted that HMO accommodation might not be ideal but, nevertheless, there was demand and drew attention to the submission from Private Sector Housing that '*There is a shortage of this type of HMO accommodation in Herefordshire. The property is large and will lend itself to multiple occupancy...*'. He felt that there needed to be a broad range of housing types throughout the city and commented on the desperate shortage of affordable accommodation for low paid workers. Given these considerations, and the close proximity of the site to the city centre, he felt that the application should be approved.

The Principal Planning Officer commented on the lack of high quality shared houses in the Hereford for professional people. He also commented that in some instances up to six people could share a house without the need for planning permission, although an HMO licence would still be required.

Councillor SJ Robertson noted that there was also a shortage of two and three bedroom units and that an appropriate balance had to be achieved. She also commented on problems with HMOs elsewhere in Hereford.

Councillor JD Woodward said that, from the experience of HMOs in Whitecross, it was clear that there were few resources available to effectively monitor and police HMOs.

Councillor Benjamin said that Strategic Housing Section was aware that some HMOs did not comply with the law and he noted the difficulties associated with enforcing maximum occupancy numbers. He noted the demand for self-contained units and felt that shared accommodation represented a backward step.

Councillor PJ Edwards noted that every application needed to be considered on its own merits and noted the need for some HMOs. In response to questions, the Principal Planning Officer advised that: the layout plan received had demonstrated that the site had capacity for parking spaces and a turning area; and there was an area for refuse storage but a further condition could be imposed to ensure that this was sufficient.

A number of members commented on the merits and disadvantages of shared accommodation and the potential impact on the character of the area. The

Development Control Manager emphasised the need for the Sub-Committee to focus on the specific planning effects and noted that a number of concerns could be addressed through conditions; i.e. a requirement for a scheme of noise attenuation measures could mitigate the potential for noise disturbance to the adjoining property.

In response to a comment made by Councillor Benjamin, the Chairman made it clear that the name of the applicant/s was irrelevant to the discussion and that members should avoid matters that could not be considered by the Sub-Committee.

Councillor Greenow maintained that the proposal would have a detrimental impact, he also felt that fear of crime was an issue.

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 applications to the Planning Committee:

1. The proposal would be detrimental to the character and amenity of the area contrary to Policies S2, H17 and HBA6 of the Herefordshire Unitary Development Plan 2007 particularly by reason of increased noise and disturbance to adjoining and nearby residential properties arising from the intensification of the use beyond that which would be normal for a single family dwelling or a dwelling divided into a small number of self contained units.

2. It has not been demonstrated that the development will not lead to an increase in the fear of crime and personal safety and as such the proposal is contrary to Policies S2, DR2 and H13 of the Herefordshire Unitary Development Plan 2007.

(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, although the resolution was contrary to the officers' recommendation, he was not minded to refer the matter to the Head of Planning Services.]

121. DCCE2007/3385/F - LAND ADJACENT TO RAMSDEN COURT, RAMSDEN ROAD, ROTHERWAS, HEREFORD, HEREFORDSHIRE, HR2 6NP [AGENDA ITEM 13]

Proposed light industrial units for B2 and B8 use.

Mr. Spreckley had registered to speak in support of the application but decided not to speak at the meeting.

Councillor GFM Dawe, the Local Ward Member, felt that the proposal was

acceptable but questioned whether 24 parking spaces were needed for a development of this size, particularly given the cycle links to Hereford. In response, the Principal Planning Officer reported that the parking provision was in line with current standards and that cycle storage was also proposed.

Councillor PJ Edwards commented on the need for industrial buildings to be flexible and hoped that the applicant would consider a structure that could be expanded or contracted in the future, depending on the nature of the business to be accommodated.

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) (6th December, 2007).**

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

3. **B11 (Details of external finishes and cladding (industrial buildings)).**

Reason: To secure properly planned development.

4. **Prior to the first use of the development hereby approved full details of a flood evacuation plan and arrangements to ensure a flood free access route should be submitted to and approved in writing by the local planning authority.**

Reason: To ensure the availability of a flood free access route to enable access by emergency services and evacuation of people, vehicles and goods during flood events.

5. **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.

6. **H29 (Secure covered cycle parking provision).**

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

7. **H30 (Travel plans).**

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives.

Informatives:

1. N03 - Adjoining property rights.
2. HN25 - Travel plans.
3. N19 - Avoidance of doubt.
4. N15 - Reason(s) for the Grant of PP/LBC/CAC.

122. DATE OF NEXT MEETING

Wednesday 20th February, 2008.

The meeting ended at 5.15 p.m.

CHAIRMAN

ITEM FOR INFORMATION - APPEALS

APPEALS RECEIVED**Application No. DCCW2007/0990/F**

- The appeal was received on 11th January, 2008
- 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 Tobin Enterprises Ltd.
- The site is located at Land adjacent to Greyfriars Avenue. Formally known as Campions Restaurant and adjoining dwelling 'Gwalia'.
- The development proposed is Residential development for erection of 46 flats.
- The appeal is to be heard by Inquiry.

Case Officer: Peter Clasby on 01432 261947**Application No. DCCW2007/2878/F**

- The appeal was received on 18th January, 2008.
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is brought by Dr. R.D. Channon.
- The site is located at 64 Belmont Road, Hereford, Herefordshire, HR2 7JW.
- The development proposed is Proposed erection of four new flats.
- The appeal is to be heard by Written Representations.

Case Officer: Peter Clasby on 01432 261947**Application No. EN2007/0124/ZZ**

- The appeal was received on 25th January, 2008.
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice.
- The appeal is brought by Mr. J. Bothamley.
- The site is located at Land at Rodds Barn, Twyford, Hereford.
- The breach of planning control alleged in this notice is:
Without planning permission the erection of a chimney on the northern elevation of the barn situated on the land
- The requirements of the notice are:
 - Remove the chimney stack and pots from the building*
 - Remove any resultant materials and debris from the land*
- The appeal is to be heard by Hearing.

Case Officer: Ed Thomas on 01432 261961

APPEALS DETERMINED

Application No. DCCE2006/1990/F

- The appeal was received on 12th January, 2007.
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal was brought by CBRE Investors Ltd.
- The site is located at B&Q/Halfords, Holmer Road, Hereford, HR4 9SB.
- The application, dated 20th June, 2006, was refused on 15th December, 2006.
- The development proposed was Variation of Condition 7 of planning permission HC/880434/PF/E to permit the sale of goods from a catalogue showroom retailer in the unit identified as 'Unit A' and to permit the sale of fashion clothing, footwear, jewellery, watches and homeware in the unit identified as 'Unit B'.
- The main issues are:
 - a) The effect of the proposal on the vitality and viability of Hereford's Central Shopping and Commercial Area (CSCA).
 - b) Whether a sequentially more preferable site would be available within a reasonable period of time.

Decision: The appeal was DISMISSED on 15th January, 2008.

Case Officer: Russell Pryce on 01432 261957

Application No. DCCE2007/0328/F

- The appeal was received on 8th October, 2007.
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal was brought by Dr. Lockwood.
- The site is located at Site to the rear of The Old Post House, Tarrington, Hereford, Herefordshire, HR1 4HZ.
- The application, dated 19th January, 2007, was refused on 29th March, 2007.
- The development proposed was Erection of a detached dwelling with separate garage.
- The main issue is the effect of the development on highway safety and the impact of the proposal on the character and appearance of the area including the adjacent listed building.

Decision: The appeal was DISMISSED on 21st January, 2008.

Case Officer: Russell Pryce on 01432 261957

Application No. DCCE2007/1487/F

- The appeal was received on 8th October, 2007.
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal was brought by Dr. Lockwood.
- The site is located at Site to the rear of The Old Post House, Tarrington, Hereford, Herefordshire, HR1 4HZ.
- The application, dated 14th May, 2007, was refused on 10th July, 2007.
- The development proposed was Erection of a detached dwelling with separate garage.
- The main issue is the effect of the development on highway safety and the impact of the proposal on the character and appearance of the area including the adjacent listed building.

Decision: The appeal was DISMISSED on 21st January, 2008.

Case Officer: Russell Pryce on 01432 261957

Application No. DCCW2007/0395/F

- The appeal was received on 16th May, 2007.
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal was brought by Mr. H.D. Johnson.
- The site is located at Land adjoining Meadow End and Daren View, Bishopstone, Herefordshire.
- The application, dated 5th February, 2007, was refused on 13th March, 2007.
- The development proposed was Erection of single storey dwelling and single detached garage.
- The main issue is the effect of the proposed development upon the housing supply in the context of statutory development plan policy for sustainable development in rural areas.

Decision: The appeal was DISMISSED on 4th February, 2008.

Case Officer: Kevin Bishop on 01432 261946

Application No. DCCE2006/1978/F

- The appeal was received on 27th March, 2007.
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal was brought by Strand Homes Ltd.
- The site is located at Bartestree Convent, Bartestree, Herefordshire, HR1 4DU.
- The application, dated 19th May, 2006, was refused on 15th November, 2006.
- The development proposed was Erection of a terrace of 3 cottages and provision of additional parking area.
- The main issue is the effect of the proposal on the setting of the former Bartestree Convent, a grade II listed building, and on the character and appearance of the area.

Decision: The appeal was UPHeld on 6th February, 2008.

Case Officer: Ed Thomas on 01432 261961

Application No. DCCE2007/1930/F

- The appeal was received on 15th November, 2007.
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal was brought by Strand Homes Ltd.
- The site is located at Frome Court, (Former Bartestree Convent), Bartestree, Hereford, Herefordshire, HR1 4BF.
- The application, dated 8th June, 2007, was refused on 29th August, 2007.
- The development proposed was Erection of a terrace of 4 cottages. Amendment to parking areas. (Revised scheme).
- The main issue is The main issue is the effect of the proposal on the setting of the former Bartestree Convent, a grade II listed building, and on the character and appearance of the area.

Decision: The appeal was UPHeld on 6th February, 2008.

Case Officer: Ed Thomas on 01432 261961

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

5 DCCW2007/0871/M - PROPOSED SOUTHERN EXTENSION TO OPERATIONS AT WELLINGTON QUARRY, MARDEN LANE, WELLINGTON, HEREFORDSHIRE

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

Date Received: 19th March, 2007

Wards: Sutton Walls and Wormsley Ridge

Grid Ref: 50667, 46682

Expiry Date: 18th June, 2007

Local Members: Councillors KS Guthrie and AJM Blackshaw

1. Site Description and Proposal

- 1.1 Almost all of the application site lies in Moreton-on-Lugg parish, to the north of the village and approximately 6 kilometres northwest of Hereford. It comprises a roughly rectangular block of land on a north/south axis, of about 38.7 hectares.
- 1.2 Adjoining to the north are existing sand and gravel workings lying in Wellington Parish; the parish and ward boundary bisects the wider quarry site. On the eastern boundary, mature hedgerows, drainage ditches and fields separate the application site from the main Hereford-Manchester railway line, from which a spur line runs in through the gravel workings to serve the quarry. The River Lugg lies about 200 metres further east. South lies a strip of agricultural land between the application site and the northern fringes of Moreton-on-Lugg village. On the west lies Long Coppice and Moreton Business Park.
- 1.3 The proposal is to extend Wellington/Moreton Quarry in both area and working time by extracting a further 1.46 million tonnes of sand and gravel at about 150,000 - 200,000 tonnes per annum, phased with the existing permitted quarry reserves. This would extend activity at the quarry by about 10 years, during which restoration of the land to nature conservation would be progressive, creating a mixture of species-rich grass meadows, landscaped wetland habitats and open water.
- 1.4 The application is accompanied by an Environmental Statement under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations as amended in 2000 (the EIA regulations). It was publicised by advertisement in the Hereford Journal on 11th April, 2007. Site notices were put up and neighbours notified directly by letter.

2. Policies

- 2.1 Central Government Guidance:

Minerals Policy Statement 1 (MPS1) - Planning and Minerals

Minerals Planning Statement 2 (MPS2) – Controlling and Mitigating the Environmental Effects of Mineral Extraction in England
 Minerals Planning Guidance 7 (MPG7) – Reclamation of Mineral Workings
 Planning Policy Statement 1 (PPS1) – Delivering Sustainable Development
 Planning Policy Statement 7 (PPS7) – Sustainable Development in Rural Areas
 Planning Policy Statement 9 (PPS9) – Biodiversity and Geological Conservation
 Planning Policy Guidance 13 (PPG13) – Transport
 Planning Policy Guidance 15 (PPG15) – Planning and the Historic Environment
 Planning Policy Guidance 16 (PPG16) – Archaeology and Planning
 Planning Policy Guidance 24 (PPG24) – Planning and Noise
 Planning Policy Statement 25 (PPS25) – Development and Flood Risk

2.2 Regional Planning Guidance:

The West Midlands Regional Spatial Strategy (RSS) (formerly RPG 11).

2.3 Herefordshire Unitary Development Plan 2007:

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S4	-	Employment
Policy S6	-	Transport
Policy S7	-	Natural and Historic Heritage
Policy S9	-	Minerals
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy DR4	-	Environment
Policy DR6	-	Water Resources
Policy DR7	-	Flood Risk
Policy DR9	-	Air Quality
Policy DR10	-	Contaminated Land
Policy DR11	-	Soil Quality
Policy DR13	-	Noise
Policy DR14	-	Lighting
Policy E11	-	Employment in the Smaller Settlements and Open Countryside
Policy E15	-	Protection of Greenfield Land
Policy T4	-	Rail Freight
Policy T8	-	Road Hierarchy
Policy LA2	-	Landscape Character
Policy LA5	-	Protection of Trees, Woodlands and Hedgerows
Policy LA6	-	Landscaping Schemes
Policy NC1	-	Biodiversity and Development
Policy NC2	-	Sites of International Importance
Policy NC3	-	Sites of National Importance
Policy NC4	-	Sites of Local Importance
Policy NC5	-	European and Nationally Protected Species
Policy NC6	-	Biodiversity Action Plan Priority Habitats and Species
Policy NC7	-	Compensation for Loss of Biodiversity
Policy NC8	-	Habitat Creation, Restoration and Enhancement
Policy NC9	-	Management of Features of the Landscape Important for Fauna and Flora

Policy ARCH1	-	Archaeological Assessment and Field Evaluations
Policy ARCH4	-	Other Sites of National or Regional Importance
Policy ARCH5	-	Sites of Lesser Regional or Local Importance
Policy ARCH6	-	Enhancement and Improved Access to Archaeological Sites
Policy ARCH8	-	Enhancement and Improved Access to Archaeological Sites
Policy M3	-	Criteria for New Aggregate Mineral Workings
Policy M5	-	Safeguarding Mineral Reserves
Policy M7	-	Reclamation of Mineral Workings

2.4 Material Considerations:

The Conservation (Natural habitats & c) Regulations 1994
Homes for the Future: more affordable, more sustainable. Department of the Communities and Local Government, July 2007 (Green Paper)
Regional Spatial Strategy Phase 2 - Final Preferred Options and Proposed Submission to the Secretary of State (22 October 2007)
Collation of the results of the 2005 Aggregates Mineral Survey for England and Wales (May 2007)
Natural Environments and Rural Communities Act 2006 - (NERC Act)
Hereford and Worcester Minerals Local Plan 1997 (now superseded)
Herefordshire Landscape Character Assessment adopted 2004

3. Planning History

3.1 The current planning permissions comprise:

DCCW2005/1242/M: Variation of Conditions Nos. 3, 6, 11, 15, 23, 25, 29 and 30 of planning permission H&WCC Ref. 407393 to merge operations at Wellington and Moreton Quarries: Permission granted 18th October 2005.

DCCW2005/1243/M: Variation of Conditions Nos. 2, 3, 4, 7, 8 and 9 of planning permission Ref. CW2002/3058/M to merge operations at Wellington and Moreton Quarries: Permission granted 18th October 2005.

These two permissions superseded all previous, although mineral extraction from Wellington Quarry has continued since 1985 under successive planning permissions and operators. The relevant historic details follow.

3.2 In 2001/2, Tarmac (then Tarmac Western Ltd.), acquired an interest in part of the former army ordnance depot at Moreton. They established a railhead under planning permission reference CW2001/3080/M with some revisions under planning permission reference CW2002/3190/M, followed by a new planning permission reference CW2002/3058/M to extract around 200,000 tonnes of sand and gravel per annum from Moreton over 10 years, also providing for additional processing plant, ready-mixed concrete batching and block making. Access would originally have been via a new roundabout on the A49(T).

3.3 In 2004, Tarmac acquired the adjacent main Wellington Quarry and in 2005 were granted the two most recent planning permissions identified at paragraph 3.1 above, to merge the two hitherto separate quarries, providing for a consolidated extraction programme to be developed utilising the railhead, existing processing plant and the single existing site access in Marden Lane on the quarry's northern boundary. In

Tarmac's view this precluded the need for the additional roundabout on the A49(T) noted above, as no new access would be required. The Council agreed.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency: Initial objection (17th May 2007) on surface water, flood risk and biodiversity issues, requesting further information and an 'Appropriate Assessment' under the Habitats Directive, to evaluate the potential for adverse effects on the Rivers Lugg and Wye Sites of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC). Following further flood risk/drainage information the objection has been lifted subject to recommended conditions. On biodiversity, the Agency have responded that the Appropriate Assessment is acceptable and that the development is unlikely to cause any significant environmental harm to the River Lugg. Natural England have also accepted the Appropriate Assessment, recommending a condition to prevent an increase in suspended sediment in the river. Any further comments from either the Agency or Natural England will be reported verbally.
- 4.2 English Heritage: Initial caution, subject to commission of an archaeological assessment taking into account other relevant archaeological resource assessments. They would wish to be consulted on this.
- 4.3 Government Office for the West Midlands: Acknowledgement of receipt.
- 4.4 Highways Agency: No objection.
- 4.5 Natural England (DEFRA): No comment.
- 4.6 Advantage West Midlands: Support in principle. They comment that the site lies within the Rural Regeneration Zone, which promotes a diverse and dynamic business base through regional investment. They consider the development meets 'Pillar 1: Developing an Environmental Economy' (realising the economic asset of the site through sustainable development) and 'Pillar 3: Creating the Conditions for Growth' of the West Midlands Economic Strategy. In their view, 'expansion of minerals extraction is appropriate and the proposal is regarded as a positive [economic] use of the land [and its] potential contribution to economic growth in the region'.
- 4.7 West Midlands Regional Assembly (WMRA): The application conforms with the Regional Spatial Strategy (RSS) subject to the development being capable of compliance with RSS Policy M1 (vii) by ensuring the proposed biodiversity improvements are achievable and deliverable. The WMRA recognise the short to medium term impacts on local communities but also the long term restoration and economic benefits. The application appears to present an acceptable balance between Rural Renaissance objectives.

Non-statutory Consultees

- 4.8 Council for the Protection of Rural England (CPRE): Consider the development appears to conflict with UDP Policy S9 Minerals (1 and 2). Request conditions to

protect residential amenities and environmental quality, ensure pre-development mitigation measures and site restoration without imported materials.

- 4.9 Earth Heritage Trust: Support; opportunity to increase geological knowledge.
- 4.10 Forestry Commission: No objections; no impact on Long Coppice.
- 4.11 Woodland Trust: Object; They consider that the proposals conflict with Policies M3 and LA5 due to likely damage to Long Coppice. In particular they are concerned that development would:
- (i) Isolate and fragment the Coppice and be a barrier to species dispersal;
 - (ii) Introduce noise and light intrusion;
 - (iii) Have potential for hydrological changes;
 - (iv) Create dust;
 - (v) Disturb fauna.
- 4.12 Health and Safety Executive: Forwarded the consultation to the Quarry Inspector. Any further response will be reported orally.
- 4.13 National Grid (formerly Transco): No objection subject to accurate tracing of the high pressure gas pipeline and agreed safe working methods in its vicinity.
- 4.14 Network Rail: No objection, wish to be kept informed and to have a copy of the decision notice.
- 4.15 River Lugg Internal Drainage Board: Initial objection pending further clarification; they consider the discharge of groundwater into watercourse is unacceptable because the workings are close to an international designated site of environmental importance (River Lugg SSSI/SAC). [Note, this objection has since been lifted following liaison between the Board and the applicants].
- 4.16 Herefordshire Nature Trust: Any response will be reported orally.
- 4.17 Hyder/Welsh Water: Any response will be reported orally.
- 4.18 Royal Society for the Protection of Birds: Any response will be reported orally.

Internal Council Advice

- 4.19 County Archaeologist: The site is of high archaeological potential and an evaluation is required prior to determination of the application, under PPG16 and Herefordshire Unitary Development Plan 2007 Policy ARCH1.
- 4.20 Conservation Manager: Comments as follows:
- a) Historic Buildings Officer: No objection.
 - b) Planning Ecologist: Need to secure further ecological surveys and undertake an Appropriate Assessment due to the proximity to the River Lugg SSSI/SAC, and for mitigation issues to be taken on board.
 - c) Landscape Officer: No objection, subject to conditions to secure advance planting along the [revised] southern boundary, a buffer zone between the eastern and western boundaries and any development, and an appropriate approved restoration scheme.

- 4.21 Head of Environmental Health & Trading Standards: No objection.
- 4.22 Forward Planning Manager: No objection; the application appears to comply with Herefordshire Unitary Development Plan 2007 Policy M5 (Safeguarding Mineral Reserves); note that Policy M7 (Reclamation of Mineral Workings) requires an acceptable after -se and an appropriate contribution to Biodiversity Action Plan targets.
- 4.23 Drainage Engineer: No objection.
- 4.24 Transport Manager: No objection; no increase in traffic.

5. Representations

- 5.1 Marden Parish Council: No objection in principle; would wish to see widening and upgrading of Marden Lane as previously discussed, engineering to prevent vehicles turning right when leaving the quarry and consideration of the prospect of planning gain.
- 5.2 Moreton-on-Lugg Parish Council: No objection in principle subject to:
- Conditions to secure the recommended mitigation highlighted within the planning application;
 - Advance planting of the southernmost proposed hedgerow;
 - A buffer zone alongside Long Coppice to protect tree roots and the water table;
 - Planning gain for Moreton;
 - Moving the initially proposed southern boundary 100 metres north to safeguard amenities.
- 5.3 Wellington Parish Council: No objection. Request that improvements to Marden Lane be achieved through this application opportunity.
- 5.4 Representations have been received from three local residents:
- Jane Keating, Church House, Marden, Hereford, HR1 3EN.
 - Gordon H. Jones, 70 St. Peters Close, Moreton-on-Lugg, Hereford, HR14 8DN.
 - B. Pearson, 3 Orchard Close, Moreton-on-Lugg, Hereford, HR4 8DG.
- 5.5 Their comments and questions are summarised as follows:
- The proposed site boundary comes within 240 metres from residential properties [in Moreton].
 - There is a potential for noise, dust, odours and light disturbance.
 - What are the proposed limitations in respect of hours/days of working?
 - Would traffic be routed through the village?
 - House prices could be blighted.
 - Need for appropriate screening.
 - There is no need for additional quarrying/local quarries to supply local needs.
 - What effects would there be on Marden Church SSSI?
 - Would the development affect river levels or other existing licences for taking water?

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

6. Officer's Appraisal

6.1 An Environmental Statement accompanies the application. This was compiled and submitted just before the adoption of the Herefordshire Unitary Development Plan (HUDP) in March 2007. In anticipation of the HUDP's imminent adoption it gives very little weight to the now superseded South Herefordshire District Local Plan, the Hereford and Worcester County Structure Plan and the Minerals Local Plan. It is therefore relevant to current policies and assesses the following key considerations:

- Need for the development and alternatives;
- Quarry activities, including relationships to existing minerals operations, site preparation, infrastructure, working methods operating hours, lighting;
- Restoration proposals;
- Geology and soils;
- Hydrology and hydrogeology, including flood risk;
- Landscape and visual impact;
- Ecology
- Highways, traffic, rail use and public rights of way;
- Noise;
- Air quality (dust);
- Archaeology;

These headings cover all the main issues for consideration so this appraisal will follow the same format, adding any further comments at the end.

6.2 Need for the development and alternatives

6.2.1 The West Midlands Regional Spatial Strategy (RSS) 2001–2021 was approved by the Secretary of State in 2004, setting a regional policy framework for strategic development including minerals. It gives apportionments for aggregate supply by each county, based on annual survey figures and translated at local level through the HUDP 2007 until 2011. Herefordshire's annual apportionment is currently 283,000 tonnes, to be provided from its landbank (the total of permitted reserves for a particular mineral). The RSS is however being reviewed, and will develop regional policy for aggregate production up to 2026.

6.2.2 MPS1 (Paragraph 4.1 of Annex 1) requires Minerals Planning Authorities to maintain a landbank of at least 7 years' supply to meet regional apportionment targets, but notably no maximum figure is imposed. According to the preamble to HUDP 2007 policy S9, Herefordshire's landbank is predicted to meet or exceed that figure, assuming a steady supply based on current regional apportionments to 2011. Recent estimates indicate reserves of about 4.7 million tonnes at 31.12.07; approximately 16 years' supply. On this expectation, HUDP 2007 policy M3 removed the concept of 'preferred areas' within which applications for new minerals sites would be viewed favourably. Instead, it provides for any emerging shortfall by a requiring an assessment of proposals under a robust regime of primary and secondary constraints to prevent environmental damage.

6.2.3 Paragraph 72 of the Practice Guide accompanying MPS1, states that where landbanks are already sufficient consideration of applications should be based on 'effective management, local demand and realistic supply'. In particular, predictions of future increases in demand, aggregate quality, and market proximity should be taken into account. Economic viability of sites and reserves is an important factor, generating a need for flexibility in order to provide an 'adequate and steady supply' of material of the correct quality to develop the infrastructure needed for sustainable

development. The applicants acknowledge the county's generous landbank but argue that there are logistical issues that merit further consideration. In their view, the quality of permitted minerals reserves at St Donats and Upper Lyde is poorer than at Wellington, involving additional waste arisings and limitations as to their potential use. These sites would also increase traffic on the A49(T), A4110 and minor roads. They further argue for the expediency of utilising established plant and infrastructure at Wellington, rather than constructing new plant elsewhere or transporting material in for processing. These arguments address the issues of potential oversupply that were raised by the CPRE.

- 6.2.4 In a further supporting letter dated 25th October 2007, the applicants highlight quality standards for ready-mixed concrete production. Some Wellington products are shipped out and others brought in to achieve specifications. The letter points out that the original Wellington quarry is virtually exhausted, while Moreton's permitted reserves amount to about 1.6 million tonnes at the end of 2007. There is, they suggest, a fairly narrow window of opportunity to incorporate the proposed southern extension into the phased extraction sequence using existing infrastructure, before the working area progresses beyond the point at which the two sites could join. Once that happened, the valuable gravel resource in the proposed extension area would be sterilised, and cut off from future development by the resulting lakes. The letter asserts that permitting the extension would be justifiably logical, in particular because
- There would be no significant environmental impacts;
 - Wellington's established plant/processing does not generate complaints;
 - The A49(T) is readily accessed without passing residential properties;
 - The extension proposal would be sustainable in that it would delay final removal of the recently completed Moreton railhead;
 - It would allow for the creation of an area of linked habitats on a sufficiently significant scale to provide long-term realistic biodiversity gains;
 - The local economy and employment, including housebuilding, would benefit from the continuing supply of a proven local resource.

The full text of this letter can be inspected at Minerals & Waste Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

- 6.2.5 The West Midlands RSS Phase 2 revision (Preferred Options) anticipates increases in regional housing needs and allocations up to 2026, involving at least 16,600 new houses or 830 annually for Herefordshire. About half would be within Hereford as a 'settlement of significant development'. This recognises the national housing agenda in the July 2007 Green Paper 'Homes for the future: more affordable, more sustainable' advocating an additional 3 million new homes by 2020 and identifying Hereford as a 'New Growth Point'. New homes and their accompanying transport and utility infrastructure, including flood protection, generate significant local demand for aggregate materials.
- 6.2.6 Also in Hereford, the Edgar Street Grid (ESG) regeneration programme involves about 43 hectares of housing and retail development over 20 years, along with transport/civil engineering, flood alleviation works and possible relocation of the livestock market. These projects are all significant consumers of aggregates; to avoid uneconomic and unsustainable long-distance transport of materials, aggregate demand will need to be met from local sources where possible. In wider terms, aggregate shortages in Worcestershire may be reflected in increased

regional apportionment figures for Herefordshire when these are next reviewed. In such cumulative circumstances Herefordshire's existing landbank will very likely be rendered inadequate prior to RSS revision.

- 6.2.7 The RSS Phase 3 Revision Draft Project Plan includes updated minerals policies to secure the safeguarding of economically important minerals and avoid sterilisation, and also to maintain and manage adequate supplies of aggregates while protecting landscapes and communities.
- 6.2.8 Wellington/Moreton quarry provides employment within the local economy. The proposed extension to the site would ensure continuation of that employment and help maintain the diversity of the rural economy. As such, it would meet RSS rural renaissance initiatives and minerals policies as well as HUDP 2007 policies S4 and E11 on rural employment. Securing the long-term future of the quarry complex would also maintain support for the local construction industry within the sub regional economy.
- 6.2.9 The majority of the application site was identified as a 'preferred area' for future extraction in the Hereford and Worcester Minerals Local Plan 1997. Although this concept was not carried forward into the HUDP 2007, minerals can nevertheless only be worked where they occur and the site has previously been accepted as appropriate. The applicants have subsequently agreed to revise the proposed southern boundary, withdrawing northwards by about 200 metres to match the original preferred area in the Minerals Local Plan. This gesture is welcomed as it would increase the buffer of unworked agricultural land between the quarry and residential properties on the northern edge of Moreton-on-Lugg village, as requested by the Parish Council. It would also help protect the scarce habitat of wet grassland that occurs in this area (see paragraph 6.8.1 below).
- 6.2.10 Wellington Quarry is a known resource close to current and projected markets, has an established processing facility with good highway/rail links, and accords with national sustainability objectives for mineral planning. Furthermore, MPS1 favours extensions of existing sites where environmentally acceptable. The alternative, of working new standalone greenfield sites to fulfil demand, would necessitate new processing facilities and infrastructure, increasing potential environmental damage, traffic and carbon footprints. It is accepted that in terms of the RSS and HUDP 2007 policy M3, permitted aggregate reserves are likely to prove inadequate in the near future, and that in accordance with HUDP 2007 policy M5, mineral resources at Wellington should not be sterilised.
- 6.2.11 HUDP 2007 policy M3 requires new applications to demonstrate assessment of, and mitigation for, various factors including amenities of local communities, open spaces, highways and natural resources comprising air soil and water. However, policy M3 only applies to entirely new sites, and therefore carries little weight in this case. Moreover, MPS 1 favours extensions to existing quarries rather than new sites. Notwithstanding this, the application site does not directly affect any of the constraints listed, although there are important designated sites nearby and the area is known to be of significant archaeological importance. The Environmental Statement therefore addresses the relevant issues. Furthermore, policy M3 does not preclude new aggregate proposals where exceptional circumstances can be demonstrated, subject to environmental acceptability. The conservation and archaeological considerations will be discussed in detail below but on the basis of

the above considerations the applicants' defence of the need for the development is accepted in principle.

6.3 Quarry activities, including relationships to existing quarry operations site preparation and infrastructure, working methods and operating hours, lighting

6.3.1 The existing Wellington/Moreton quarry accommodates processing and screening plant, office building, car park, concrete block-making and batching plant, stockpiling and loading areas, silt lagoons and railhead facility. The current extraction area is within the western half of the quarry (Moreton) alongside the A49 (T). This application seeks to extend the existing phased extraction in terms of time and land area, without additional or increased production.

6.3.2 The approved after-use of the existing quarry is for a mixture of water bodies, wetlands and species-rich grasslands. These are created progressively with each extraction phase, some being already partly completed. For the extended site, initial (phase 1) work would overlap with existing permitted Moreton quarry workings, including:

- Clearance of existing structures within the former military depot.
- Construction of a field conveyor.
- Advance soil and overburden stripping, screen mounding.

6.3.3 The applicants propose to continue working the mineral wet, using a long-reach excavator to lift excavated mineral onto adjacent land. Once drained, material is transported to the processing plant using either a field hopper or field conveyor. The mineral reserve would be worked anticlockwise continuing the permitted Moreton site, advancing southwards along the western half of the application area (phases 1-2), turning east and then northwards up the eastern half (phases 3-5). If permission is granted, the proposed first and last phases of this extension would merge with the final phases of the earlier Moreton planning permission, where the soils and overburden were stripped in 2006, and which would be used in final restoration.

6.3.4 The internal site road and conveyor would be extended southwards down the spine of the site during extraction, branching off to the working face as necessary. Soil and overburden stripping would create temporary storage mounds 3 to 4 metres high along the south western boundary that would also serve as a buffer zone. At the southernmost point extraction would turn northwards with the conveyor retreating. Soils would either be used in restoring the previous phase or temporarily stockpiled within the preceding phase for future use. No other plant or buildings would be needed on this extension site.

6.3.5 The application proposes operating hours of 06.00-19.00 hours Mondays to Fridays, 06.00-12.00 hours Saturdays, and no working, other than maintenance, on Sundays or Public Holidays. However the permitted hours for the existing quarry are 0700-1900 Monday to Friday, 0800-1300 Saturday and not at all on Sundays, Bank or Public Holidays except specifically within the rail loading area under planning permission CW2001/3080/M. Should permission for this extension be granted, the operating hours for the total site must be consistent and enforceable. Any change to the existing quarry's hours should be the subject of a separate application to vary the times, to allow for public consultation.

6.3.6 Existing lighting is used around the plant site during winter months. No lighting would be required around the extraction area, apart from along the conveyor for health and safety purposes. This could be controlled through a condition to ensure no conflict with HUDP policy DR14.

6.4 Restoration proposals

6.4.1 Section 6 of the Environmental Statement points out that the restoration proposals have been guided by the landscape and biodiversity assessments undertaken in preparing the application. They would maintain existing hedgerows in accordance with HUDP 2007 policy LA5, respect and strengthen the characteristics of the local landscape in accordance with HUDP 2007 policy LA2, and link with existing vegetation and surface water ditch features to comply with HUDP 2007 policies DR4 and DR6.

6.4.2 Minerals would be extracted from below the water table with very limited dewatering. There are no proposals to import any infill material. All restoration material would be derived from within the site, therefore a large water body with surrounding vegetated areas is proposed for the final restoration, primarily for nature conservation, comprising:

Species-rich grassland	10 hectares
Reedbed/aquatic margins	4.4 hectares
Main lake	21.7 hectares
Shallow permanent/ephemeral ponds	2.6 hectares

This mix would appear to complement the already approved and progressively implemented restoration at the existing quarry, with individual and hedgerow trees being planted to consolidate the existing landscape patterns. The Environmental Statement stresses that the restoration of this site should not be viewed in isolation, and the Restoration Masterplan reference W107/23B shows the overall proposed wetland area and its management. There would be opportunities to create significant linked habitats satisfying several Biodiversity Action Plan (BAP) targets, the details of which could be secured through conditions but finalised at a later date and in accordance with up to date policies and strategies at the time. The BAP is currently under revision and therefore there would also be an opportunity to tailor both the targets and the masterplan for optimum results, subject to the agreement of statutory consultees and internal Council advice. The requirements of HUDP 2007 policies LA6, NC6, NC7, NC8 and NC9 could therefore be fulfilled without difficulty.

6.5 Geology and soils

6.5.1 The Environmental Statement examines the site's geological environment, soil resources and the agricultural land quality using exploratory boreholes on and around the site. This exercise found that generally the ratio of sand to gravel is 50/50, comprising reddish-brown to greyish-brown deposits. It found the water table to be 2-3 metres below ground surface, on top of Raglan marl formation. Soils are described as generally poor or very poorly drained silty clay loams and clays, having a typically dark reddish-grey stoneless heavy profile. The site is prone to flooding (zones 2 & 3) with floodwater likely to linger due to limited permeability. Sand and gravel deposits range from 0.9 to 5.6 metres thick but average at 3 to 4 metres, under about 2 metres of overburden. Samples and cores confirm similar material to

that being extracted from the main site, and likely reserves of just under 1.5 million tonnes from the revised site area.

6.5.2 The Environmental Statement challenges the accuracy of the 1975 MAFF Agricultural Land Classification (ALC) map, which suggests the site could be grade 3 arable land. In the applicant's view most of the site is alluvial floodplain grade 4. According to Defra the ALC maps are indicative and not at all site-specific, requiring developers to conduct their own surveys to establish actual land quality. Following more sophisticated analysis criteria set out in the 1989 revised ALC procedures, the conclusion is that the arable areas of the site are grade 3c and the grassland grade 4. There seems little reason to doubt the veracity of this, therefore the proposal would not conflict with HUDP 2007 policy E15. Natural England responded to consultation on behalf of Defra regarding consideration of protecting the best and most versatile agricultural land (BMV) as set out in paragraphs 28 and 29 of PPS7. They did not propose to make any comments on the proposals, indicating acceptance that the site is not BMV land.

6.5.3 The survey also concludes that apart from about 25 cm of topsoil, the underlying soil is 'raw alluvium' and 'not worth conserving as a soil'. Restoration to wetland nature conservation is therefore compatible with the underlying geology and the most likely beneficial use for the site on completion, rather than attempting to restore to floodplain agriculture.

6.6 Hydrology and hydrogeology including flood risk

6.6.1 The Environmental Statement addresses potential impacts on surface and groundwater, the River Lugg and Wellington Brook. The application site lies on a minor aquifer, and although unlikely to produce large water quantities, limited seasonal dewatering operations would be needed to lower the water table by about 1 metre to the top of the mineral reserve. This would be licensed and controlled by the Environment Agency. However, it is unlikely that neighbouring residential properties would be affected because of the restricted nature of the dewatering zone of influence. New boreholes and trial pits found predominant groundwater flows to be east to south easterly, and background water quality comparable with the existing quarry. In the applicant's view, it is unlikely that surface water flow would be significantly affected due to the proposed wet working, the restoration to water body, and the hydraulic continuity of these features with the adjacent River Lugg.

6.6.2 A risk assessment of potential impacts on groundwater and surface water quality recommends in particular the following mitigation measures to ensure that the probability of adverse impacts would be rendered negligible or zero:

- a) Inspections, plant maintenance, a traffic management system and spill response plan to avoid fuel spillage;
 - b) Use of conveyors rather than dump trucks for transport;
 - c) Bunding of fuel tanks;
 - d) Minimising the release of suspended solids (silt) through settlement measures, planned soil movements and excavations, cut ditches to capture run-off;
 - e) Screening and removal of any unsuitable material encountered during soil stripping to avoid any contamination;
 - f) site management after restoration to preclude powered water sports;
- Conditions are recommended to address these matters.

6.6.3 The Environment Agency have lifted their initial objection following clarification of surface water and flood risk considerations. The Agency had however already accepted the majority of the Environmental Statement's findings, including the details on groundwater, dewatering and the mitigation measures. In a second consultation response they note with approval that freeboard built into the proposed restoration lake would minimise overtopping; that quarrying would provide additional floodwater storage capacity, and that surface water would not drain into the lake. They therefore accept that the development would not increase flood risk. The groundwater mitigation and restoration proposals would be secured by condition to ensure compliance with policies DR4 and DR6 of the HUDP 2007. In the current planning permissions for the rest of the site, conditions already require groundwater monitoring throughout quarrying and reclamation and it is proposed to extend this requirement to the proposed site.

6.6.4 The applicants and their agent have undertaken direct negotiations with the River Lugg Internal Drainage Board, under whose jurisdiction watercourses on the site fall. The applicants already have close liaison with the Board with regard to drainage arrangements at the existing quarry adjoining the site. They have agreed to meet the Board's requirements and the objection has been lifted.

6.6.5 A December 2007 report submitted by the applicant as an annual review of groundwater monitoring on the adjoining existing quarry site concludes that 'there has been no significant decline in groundwater levels or quality since quarrying started.' The report also confirms that the previously approved borehole monitoring programme will continue until the whole of the Wellington site has been completed and reclaimed.

6.7 Landscape and visual impact

6.7.1 According to the adopted Landscape Character Assessment 2004, the application site lies within the Riverside Meadows; a primarily unsettled floodplain landscape having a pastoral use, well defined linear tree patterns, wetland habitat and river channels. No statutory landscape designations affect the actual application site. The Environmental Statement includes an evaluation of visual amenity from nearby receptors. The existing quarry was found to be distantly visible from 11 viewpoints although relatively indistinguishable from the surrounding fields. The potential visual impact of the proposed extension site is assessed against characteristic receptor types: residents, users of public space, road/rail passengers, industrial and farmland as well as seasonal changes.

6.7.2 The existing quarry complex has been established for more than 20 years and therefore now integral to the current local landscape. The proposed extension area would not breach a skyline, and the majority of quarrying activities would occur below the existing ground level. The Environmental Statement highlights the quarry's situation within a generally restricted visual envelope defined by floodplain and flat-topped hills. The topography and vegetation patterns of woodland and hedgerows effectively screen the extension site and could be enhanced by additional planting.

6.7.3 Proposed mitigation measures include:

- Advance tree planting along the southern site boundary to assist screening of the site from residential properties in Moreton-on-Lugg.
- Integrating the development into the landscape through phased development.

- Enhance landscape character by creating appropriate wildlife habitats in accordance with the objectives of the Biodiversity Action Plan.

In particular, Submitted plans reference W107/22B (Concept Restoration) and W17/23B (Restoration Masterplan) indicate progressive restoration and landscaping including tree planting with an emphasis on wetland habitats. The indicative restoration plans acknowledge the need for flexibility in a long-term project. However, the proposals appear to complement the accepted concepts on the existing permitted extraction area. If permission is granted, conditions would secure these and future measures to ensure compliance with HUDP policies S7, DR2, LA2, LA5, LA6, NC1, NC2, NC3, NC4, NC5, NC6, NC7, NC8, NC9 and M7.

6.7.4 The report concludes that no significant visual impact would result from the proposals, although existing receptors would retain a view of the site and see change as a result. According to the applicants, the proposed development would be capable of integration without significant impact on the landscape's character, condition or visual amenity. Furthermore, the development has the long-term potential to enhance landscape character and biodiversity.

6.8 Ecology

6.8.1 The Environmental Statement details ecological surveys undertaken in February and March 2006, identifying the application site as primarily semi-improved grassland/arable with marshy grassland. The River Lugg Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC) lies approximately 250 metres to the east and Wellington Marsh Special Wildlife Site lies some 200 metres to the north-west. The River Lugg drains into the River Wye which is also SSSI/SAC. The presence of (or potential for) some European Protected Species is noted although the application site is not considered to be critical for these species. The report proposes mitigation measures to minimise direct impacts arising from the development, but the Conservation Manager has commented that although the findings are acceptable, the assessments were undertaken quite early in the year and recommends further surveys.

6.8.2 As noted in paragraph 4.1 above, the Environment Agency requested that the Local Authority, as a "competent authority" under the Habitats Regulations, undertake an Appropriate Assessment (AA) of likely significant effects arising from the application on the biodiversity interests of the SSSI/SAC noted above. The Regulations require determination of an application to be withheld until the AA has been undertaken. If the proposal would have significant effects on the area of interest then it must be reconsidered. The AA has been duly carried out and approved. The Environment Agency's revised consultation response notes with approval that moving the southern boundary of the quarry area northwards would protect an area of wet grassland, identified as a scarce habitat that should be retained. Natural England have also accepted the AA, recommending a condition to prevent an increase in suspended sediment in the river.

6.8.3 The Environmental Statement notes that there is no evidence of harm to biodiversity from dust deposition due to the existing quarry operations, recommending continuation of existing dust control measures. In the applicant's view, the majority of local fauna would already be accustomed to existing quarrying activities and therefore unlikely to be significantly affected by noise or visual disturbance from the

proposals. Perimeter site hedgerows would nevertheless assist in minimising potential disturbance.

6.8.4 The Woodland Trust's concerns for Long Coppice centre on fears about its potential isolation by the proposed workings, and a risk of drying out due to dewatering. Following negotiations with the Trust the proposed scheme, to be secured through conditions, now includes retention of main drainage ditches and established hedgerows and a substantial buffer zone, to maintain physical connection between the woodland and wider ecological interests beyond the quarry area and to secure protection of the trees. The Environment Agency are satisfied that hydrology, including in the vicinity of the woodland, would not be adversely affected. The Forestry Commission have not raised any objection to the proposals or expressed any concerns about possible effects on Long Coppice. Subject to the above measures, the integrity of the woodland and its biodiversity links could be maintained in accordance with HUDP 2007 policies S7 and LA5.

6.8.5 In response to the further points raised by representations, I am also satisfied that there would be no adverse effects on Marden Church SSSI. It should be noted that this particular feature is separated from the application site by fields, the main-line railway and the River Lugg SSSI/SAC, the quarry's effects on which have been noted above.

6.8.6 The long-term restoration of the site for nature conservation in line with Biodiversity Action Plan objectives has the potential to provide habitats of similar or enhanced value when compared with the current circumstances. It would be supported by HUDP 2007 policies NC6, NC7, NC8 and NC9 and the key principles of PPS 9. A biodiversity audit every 4 years is already required across the rest of the site, so it would be logical to extend this requirement to the proposed extension. The applicants' assertion that the overall eventual restoration of the entire site would contribute linked wildlife habitats on a significant scale is generally accepted.

6.9 Highways, traffic, rail use and public rights of way

6.9.1 The existing quarry generates HGV and other traffic, although numbers are not restricted. According to the Environmental Statement the proposed site extension would not generate any additional vehicle movements and the existing access would serve the whole site. Based on past levels, the report considered base-line existing HGV traffic to be about 146 movements (73 in/73 out) per day, of which 24 (12 in/12 out) would be during peak hours (Table 11/1 *Existing trip generation*, Section 11 of the Environmental Statement).

6.9.2 The application seeks to extend the life of the quarry, not the rate of extraction. No increased traffic is anticipated and neither the Highways Agency nor the Transport Manager have raised any objection to this application. Nevertheless, local Parish Councils are concerned about vehicles turning east out of the site towards Marden village, and about the condition of the road surface in Marden Lane. However, most HGV traffic does generally turn west towards the A49(T) in accordance with existing highway signage since this is the most expedient route when leaving the quarry, unless a load is specifically required for local delivery in the Marden area. There are conditions on the existing planning permissions to address these concerns, including a requirement for the resurfacing of the C1122 (Marden Lane) before quarrying takes place in phase 5 of planning permission reference

DCCW2005/1243/M (at Moreton). It is proposed to reinforce this requirement through a further condition.

6.9.3 The submission includes an assessment of the A49(T)/Marden Lane junction, demonstrating that the junction operates within existing capacity and is projected to continue to do so with the proposed development since no additional traffic is anticipated. The assessment concludes that there would be no adverse impact on recorded accident levels and that overall there would be no highways or transportation impact. This view is supported by both the Highways Agency and the Transport Manager.

6.9.4 There are no Public Rights of Way (PROW) affecting or affected by the application site.

6.10 Noise

6.10.1 The Environmental Statement assesses predicted noise impact from the proposed development based on BS5228 (revised 1997), in particular in terms of

- Operation of plant and equipment;
- Likely periods of activity;
- Distances between noise sources and receptors;
- Attenuation due to ground absorption or screening effects;
- Reflection of noise due to hard surfaces (e.g. walls).

6.10.2 Annex 2 of MPS2 recommends that, 'mineral planning authorities should aim to establish a noise limit at the noise-sensitive property that does not exceed the background level by more than 10 dB(A)', subject to a maximum of 55 dB $L_{Aeq,1hr}$. The Environmental Statement gives details of existing daytime background noise level readings undertaken by the applicants at five locations (identified in the table below) around the proposed site to represent the most likely noise-sensitive receptors.

Location	Period	$L_{Aeq, T}$	L_{A90}	L_{A10}	L_{Amax}
1. Almshouses	08.41-10.26	58.5	47.6	62.1	80.5
2. New House	09.09-11.19	61.06	44.0	65.9	72.8
3. Brookhouse Farm	09.33-11.41	62.2	46.1	66.3	73.3
4. St Peter's Court	12.15-14.47	46.7	38.5	46.0	67.0
5. Marden Vicarage	12.20-14.05	48.2	38.0	44.0	74.2

Time period **T** was 15 minutes

(Table 12/1 para 12.15 of Environmental Statement)

6.10.3 Locations 1-3 were dominated by traffic noise from the A49 (T), with some audible quarry noise (reversing beepers) at location 1. At location 4 there was distant road/rail/farmland noise, and some quarry noise audible at location 5. Predicted noise levels for both temporary and normal operations would however be within guidance limits. The noise assessment confirms background noise levels to be influenced by existing noise sources including the permitted quarry. Predicted noise

generated by the proposed development would be within national guidelines, calculating worst-case scenario noise levels (as $dB_{L_{Aeq,1hr}}$) as:

Location	Background $dB_{L_{A90}}$	MPS2 Limit	Soil stripping/ Overburden*	Extraction	Processing	Concrete Plant	Restoration*
1. Almshouses	47.6	55.0	35.1	38.1	41.5	39.1	36.7
2. New House	44.0	54.0	41.7	43.7	35.0	33.3	35.9
3. Brookhouse Farm	46.1	55.0	43.7	41.9	31.2	29.9	43.7
4. St Peter's Court	38.5	48.5	42.0	43.9	30.3	28.6	48.9
5. Marden Vicarage	38.0	48.0	48.8	46.0	37.1	36.4	45.5

[* Assessed against MPS2 for temporary operations $70 dB_{L_{Aeq,1hr}}$
(Appendix 12/3 of the Environmental Statement)

6.10.4 This assessment was based on the original southern site boundary that has since been revised northwards, effectively doubling the distance of any quarry workings from properties in Moreton village. Although the amendment to the southern site boundary would not be required on purely noise generation grounds, it is welcome as a further distance barrier to the site operations in respect of local amenity. There has been some local concern that the proposals would adversely affect house prices. Although this is not something that the planning system can consider, the revised southern boundary would move the workings much further away from Moreton village and thus should alleviate these fears.

6.10.5 The existing quarry complex has not generated complaints about noise, but the application proposes the following mitigation measures; in particular:

- Making use of existing landform features for noise attenuation.
- Provision of temporary local screen mounds as necessary, when activities are at elevations and locations that may be unscreened.
- Use of conveyors to minimise site vehicle use.
- Proper maintenance/use of plant.
- Maintaining good site management.

Furthermore, the applicants have agreed to provide additional advance planting adjacent to the Marden village boundary, to act as enhanced screening.

6.10.6 The Head of Environmental Health and Trading Standards has not raised any objection to the findings of the noise assessment. The planning permission, if granted, would include a condition to limit site noise generation that would be compatible with existing conditions on the rest of the Wellington/Moreton quarry site and comply with policy DR13 of the HUDP 2007.

6.11 Air quality (dust)

6.11.1 The Environmental Statement assesses the potential for dust nuisance to arise from the proposals, based on the prevailing south and west winds. It identifies 12

'sensitive developments' within 500 metres of the application site. The application makes it clear that the mineral would be worked wet. Gravel extraction does not require any blasting to take place, and there would be no processing of material within the application area since all the excavated material would be transported to the existing plant, primarily using the field conveyor. In the applicants' view this working method would minimise dust, any produced being coarse/heavy and therefore likely to be deposited within the immediate extraction area. Nevertheless, dust suppression sprinkler systems and effective screening/landscaping are integral to this application as an extension to those already utilised in the existing quarry area, to minimise dust potential from vehicles and the field conveyor, particularly in dry weather.

- 6.11.2 The existing quarry complex has not generated complaints about dust but this application would bring phase 2 extraction operations close to Moreton Business Park. However the nature and frequency of local wind patterns reduces the likelihood of dust being blown towards these premises, and since the mineral is extracted below existing ground level in wet conditions it is therefore highly unlikely to create a dust nuisance.
- 6.11.3 The combination of mitigation measures already proposed by the applicants and the additional precautions should be sufficient to address the potential for fugitive dust generation.

6.12 Archaeology

- 6.12.1 Previous recording and excavations within the quarry complex and surrounding area indicate potential significant archaeological interest, ranging from pre-history right through to modern times. Numerous local finds are listed in the Herefordshire Sites and Monuments record (HSM). The Environmental Statement includes an initial archaeological desk-top study and 'walkover' site survey which identifies close links between past human activity and the flood plain/river valley location, suggesting a high likelihood of important remains within the application site including later water management features and field patterns. The applicants acknowledge the necessity for further investigation, including with regard to the regionally distinct and under-researched water-meadow form of local land management. This work would be used to inform a mitigation strategy, in consultation with the County Archaeology team.
- 6.12.2 Since the application was submitted, the applicants have commissioned geophysical surveys and trial trenching, undertaken in accordance with PPS16 and policy ARCH1 of the HUDP 2007. A programme of advance archaeological site investigation work has been agreed, as is already routinely undertaken at the quarry complex. This ensures that appropriate recording and retention requirements are recognised by all interested parties at an early stage. The Archaeological Advisor has confirmed completion of the additional fieldwork to a good standard and successful methodology. An appreciable number of significant finds were made but these were mostly localised, dispersed, and of a fragile or ephemeral nature that would preclude preservation in situ. Subject to the final report of the site investigation works, the Archaeological Advisor's provisional view is that excavations, watching briefs and recording of finds before and during development would be appropriate mitigation in this instance. Consequently he raises no objection to the proposals subject to conditions in accordance with section 30 of

PPG16 and policies ARCH6 and ARCH8 of HUDP 2007. Any further comments will be reported verbally.

- 6.12.3 The applicants' track record on archaeology is good, and I am satisfied that the recognised significant archaeological interest would continue to be safeguarded in an appropriate manner if the quarry were extended.

7. Conclusion

- 7.1 This application is for an extension to a well-established existing quarry which has operated for many years without generating significant complaints. Few objections have been received, but relevant concerns have been addressed wherever possible through negotiation with the applicants. A significant outcome is the applicants' agreement to move the site boundary northwards. This gesture would limit the extraction area to land originally highlighted as a Preferred Area in the 1997 Minerals Local Plan, would protect the amenity of properties in Moreton-on-Lugg, and safeguard an area of wet grassland which is a scarce habitat.
- 7.2 This application does not conflict with identified national, regional or local policies. Projected housing allocations and associated infrastructure projects for the county, will create significant demands on aggregate supplies in the near future; circumstances that are considered to be exceptional in policy terms. The application site satisfies sustainable development targets through its proximity to existing and future markets and there would be no increase in vehicle numbers. The proposal also presents an opportunity for the planned, sustainable and efficient release of permitted reserves within Herefordshire.
- 7.3 The applicants' arguments on need are accepted in principle and accord with policy; in particular:
- that the mineral resource should not be sterilised;
 - that existing land banks are likely to become inadequate in the near future;
 - that the quality and quantity of minerals on the site are assured;
 - that using the existing infrastructure would be preferable to constructing new processing plant and ancillary buildings.
- 7.3 Archaeological and environmental considerations including noise and dust are serious considerations for the applicants, and the mitigation measures already proposed, combined with further issues to be secured by conditions, would ensure that the proposals would have no adverse environmental effects. The application area comprises mainly grade 3c/4 arable land and permanent pasture with mature and grown-out hedgerows, trees and drains. By minimising the impacts and restoring the site long-term to a high standard of wetland landscape and biodiversity enhancement, the proposal demonstrates a commitment to sustainability while ensuring the provision of materials necessary for the county's continuing development.
- 7.4 The development falls within the scope of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, as amended 2000. The submitted Environmental Statement has been fully considered, along with the application details, further information from the applicants, responses from consultees and representations. Together these have informed the recommendation.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

Start and definitions

1. The winning and working of minerals hereby permitted shall commence before the expiration of five years from the date of this permission. The mineral planning authority shall be notified in writing within seven days of the commencement.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 and to establish the start date for minerals extraction.

2. No soil shall be moved, boundaries erected or plant introduced on the site unless the mineral planning authority has been notified in writing within seven days of the first commencement of these operations.

Reason: To enable the mineral planning authority to monitor site activities and ensure compliance with the planning permission, including protection of biodiversity, in accordance with Policies S2 and DR1 of the Herefordshire Unitary Development Plan 2007.

3. The site referred to in this permission is that shown outlined in red on drawing reference WQ2/1 dated March 2006.

Reason: To define the permitted area for the avoidance of doubt with regard to mineral extraction areas and timescales; to protect the amenity of local residents and the River Lugg SSSI/SAC and to ensure compliance with Policy S9 of the Herefordshire Unitary Development Plan 2007.

4. Except where specific requirements of this permission dictate otherwise, the development hereby permitted shall only be implemented in conjunction with and as an extension to the current planning permissions reference DCCW2005/1242/M and DCCW2005/1243/M. No other planning permissions are affected.

Reason: To prevent fragmentation of the wider site, to ensure adherence to the proposed operations, phasing of work and use of infrastructure, and to secure the overall site's comprehensive restoration to wildlife habitat, in accordance with Policies S1, S2, DR1, DR2, M7, LA6, NC1, NC6, NC8 and NC9 of the Herefordshire Unitary Development Plan 2007.

5. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following approved documents and plans:

- i) Planning application dated 16th March 2007.
- ii) Environmental Statement dated March 2007, including the following plans only:
 - WQ2/1 Site Location.
 - W107/13 Site context.
 - W107/14 Planning boundaries and land under the applicant's control.
 - 8/3 'Local Hydrogeology and Hydrology' May 2006.

- iii) Letter from SLR Consulting dated 18th June 2007 and attached drawings reference WQ7/1 'Borehole Location Plan' and WQ12/1 'Noise Monitoring Location Plan'.
- iv) Letter from SLR Consulting dated 19th October 2007 and the attached set of revised operational plans:
 - W/107/15B 'Sequential Phasing Proposals'.
 - W107/16B 'Phase 1 Working and Restoration'.
 - W107/17B 'Phase 2 Working and Restoration'.
 - W107/34 'Phase 3 Working and Restoration (former phase 4)'.
 - W107/35 'Phase 4 Working and Restoration (former phase 5)'.
 - W107/36 'Phase 5 Working and Restoration (former phase 6)'.
 - W107/22B 'Concept Restoration'.
 - W107/23B 'Restoration Masterplan'.

Reason: To clarify the approved details and to ensure compliance with Policies S2 and DR1 of the Herefordshire Unitary Development Plan 2007.

Undeveloped land at southern edge of site

6. Notwithstanding the original submitted plans, no winning and working of minerals shall take place, and no soils shall be moved, excavated, spread, mounded, stored, levelled or loosened other than in connection with agriculture, within the area at the southern end of the operational site shown as agricultural land on plan W107/15B.

Reason: To protect the amenity of residents of Moreton-on-Lugg, preserve the soil quality, and safeguard the landscape and biodiversity interests of wet grassland on this part of the site in accordance with Policies S1, S2, DR1, DR2, DR4, DR11, E15, LA2, NC6, NC8 and NC9 of the Herefordshire Unitary Development Plan 2007.

Availability of plans/permission

7. Until such time as the operations at the quarry cease, copies of this permission, including all the documents and plans hereby approved and any other document subsequently approved in connection with any conditions attached to this permission, shall be kept and made available for inspection at the site office during the prescribed working hours.

Reason: In the interests of clarity, to inform site operatives and visitors, to assist with monitoring and to ensure a satisfactory form of development in accordance with the approved details and Policy S2 of the Herefordshire Unitary Development Plan 2007.

End date

8. The winning and working of minerals shall cease not later than 31st December 2026.

Reason: To comply with schedule 5, part 1, paragraph 1 of the Town and Country Planning Act 1990, restrict disturbance from the development in accordance with Policies S2 and DR1 of the Herefordshire Unitary Development Plan 2007, and to enable the development to be reviewed at the

end of the development plan period of the emerging Core Strategy for Herefordshire and the Regional Spatial Strategy revision.

Temporary suspension

9. If minerals operations are temporarily suspended for a period exceeding three months and/or resumed following temporary suspension, then the operator shall give written notice to the mineral planning authority within 21 days of:
- i) The date of suspension of minerals operation.
 - ii) The date of resumption following the temporary suspension.

Reason: To ensure satisfactory monitoring and control of the development within the approved timescales and to comply with Policies S1 and DR2 of the Herefordshire Unitary Development Plan 2007.

Premature permanent cessation

10. In the event that, in the written opinion of the mineral planning authority, no mineral operations have taken place for more than two years and such operations have permanently ceased prior to the full implementation of the approved development, then revised written schemes to include details of restoration, aftercare and timescales for their completion shall be submitted within 12 months of the notification of the permanent cessation of working. Such revised schemes shall be fully implemented within the approved timescales unless otherwise agreed in writing in advance by the mineral planning authority.

Reason: In accordance with schedule 9, paragraph 3 of the Town and Country Planning Act 1990, to safeguard the amenity of the area, to ensure the site is reclaimed in a timely manner to a condition capable of beneficial after use and to comply with the requirements of Policies S1 and DR2 of the Herefordshire Unitary Development Plan 2007.

Pre-commencement and time-limited

Scheme of working

11. No development shall take place until a revised scheme of working based on the approved amended plans accompanying the letter from SLR Consulting dated 19th October 2007 has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved unless otherwise agreed in advance in writing by the mineral planning authority and shall include in particular:
- i) Plans to a larger scale than those approved under condition 5 above, to depict the method of working clearly.
 - ii) Measures to be taken for the protection of trees and perimeter vegetation, including details of maintenance and duration.
 - iii) Control procedures for managing soil handling in accordance with MPG7 and DEFRA guidance [see condition 35 below and informative note 3].
 - iv) Arrangements for dealing with any contamination or contaminated materials discovered in the course of the development [see condition 30 below and informative note 3].

- v) An estimate of the volumes of excavated soil, subsoil and overburden to be produced in each phase and plans showing locations for their temporary or permanent storage.
- vi) Plans showing the location, design and construction method for screening mounds, taking into account the need to minimise flood plain obstruction and the terms of conditions 25, 26, 27 and 28 below.
- vii) Reference to the ground and surface water management scheme required by condition 12 below.

Reason: To ensure a satisfactory form of development and clear details of the method of working at the site in accordance with Policies S1, S2, S9, DR1 and DR11 of the Herefordshire Unitary Development Plan 2007.

Groundwater/hydro-geological monitoring/management

12. No development shall take place until a scheme for ground and surface water monitoring, management and protection has been submitted to and approved in writing by the minerals planning authority. The scheme shall be implemented as approved throughout the duration of the development, including the restoration and aftercare periods, unless otherwise agreed in writing in advance by the mineral planning authority. It shall include in particular:
- i) Regular monitoring of the hydrogeological boreholes identified on the submitted plan reference 8/3 'Local Hydrogeology and Hydrology' dated May 2006 [see informative note 3].
 - ii) Methodology for recording and reporting of boreholes monitoring results.
 - iii) Remedial works to be undertaken as necessary.
 - iv) Measures to minimise fuel spillage including the use of conveyors in preference to dump trucks, plant inspections and maintenance, fuel tank bunding, traffic management and spill response.
 - v) Methodology for management of silt and dirty water to ensure the minimal release of suspended solids.
 - vi) Provision for site surface water drainage.

Reason: In the interests of pollution control, the protection of ground and surface waters in and around the site, the amenity of occupiers of nearby properties, protection of the biodiversity interests of the River Lugg SSSI/SAC and to ensure compliance with Policies S7, DR4, DR6, NC1, NC2, NC3 and NC9 of the Herefordshire Unitary Development Plan 2007.

Boundary treatment

13. No development shall take place until a plan indicating the positions, design, materials and type of all boundary treatment to be erected has been submitted to and approved in writing by the mineral planning authority. The approved scheme shall be implemented as approved before the winning and working of minerals commences unless otherwise agreed in writing by the mineral planning authority.

Reason: In the interests of security, safety and the amenity of the area, in accordance with Policies S2 and DR1 of the Herefordshire Unitary Development Plan 2007.

Advance planting of southern boundary

14. Unless otherwise agreed in writing in advance by the mineral planning authority, no development shall take place until a plan and scheme for advance planting along the revised boundary of the southern extent of mineral extraction as indicated on plan ref. W107/15B has been submitted to and approved in writing by the mineral planning authority. The scheme shall be implemented as approved before the winning and working of minerals commences.

Reason: In the interests of the amenity of the area, in accordance with Policies S2 and DR1 of the Herefordshire Unitary Development Plan 2007.

Archaeology

15. No development shall take place until the applicants or their agents or successors in title have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the mineral planning authority. This programme shall be implemented as approved in accordance with a brief prepared by the County Archaeology Service and shall include consideration of the protection and/or preservation and future availability of any items of archaeological interest found on the site.

Reason: To ensure the archaeological interest of the site is recorded and safeguarded in accordance with Policies ARCH6 and ARCH8 of the Herefordshire Unitary Development Plan 2007.

Biodiversity

16. Unless otherwise agreed in writing in advance by the mineral planning authority, no development shall take place until a scheme for ecological surveying, monitoring and ensuring minimal harm or disturbance to biodiversity during the course of the development has been submitted to and approved in writing by the mineral planning authority. The scheme shall be based upon the details submitted in Section 10 of the Environmental Statement, taking into account subsequent relevant correspondence (including the Appropriate Assessment). The scheme shall be implemented as approved and shall include in particular:
- i) That no site preparation works shall take place until written confirmation has been provided by a qualified ecologist that no European protected species have been present during the six days prior to commencement of soil stripping operations within the relevant working phase.
 - ii) Methodology for surveying, monitoring and reporting.
 - iii) Provision for the retention and/or restoration of the main existing drainage ditches and hedgerows.
 - iv) Provision for the protection, management and enhancement of a pre-identified and agreed list of priority species and habitats.
 - v) Provision for periodic review and amendment of the scheme to reflect policy revision, changed circumstances or new survey results.
 - vi) Timescales for implementation.

Reason: In order to ensure that the site is worked and reclaimed in such a way that maximises its biodiversity potential including continuity between the

site and adjoining areas and the integrity of Long Coppice ASNW, and to ensure compliance with Policies S1, DR4, NC1, NC6 and the key principles of PPS9.

Biodiversity audit

17. No later than 18th October 2009 and by the 18th October every four calendar years thereafter until the completion of all restoration and aftercare schemes, a biodiversity audit shall be submitted to and approved in writing by the mineral planning authority. Each submitted scheme shall identify:
- i) The species present.
 - ii) Where European, national and/or local priority species are identified, estimates of the numbers and species present.
 - iii) Proposals for improving the habitats of such species during the course of the development hereby permitted including the period of aftercare.

Reason: In order to maintain biodiversity records and ensure that the site is worked and reclaimed in such a way that maximises its biodiversity potential and to ensure compliance with Policies S1, DR4, NC1, NC6 and the key principles of PPS9.

Dust monitoring and control

18. No development shall take place until a scheme for the suppression of dust has been submitted to and approved in writing by the mineral planning authority. The submitted scheme shall include in particular:
- i) The use of water sprayers, sprinklers and/or bowsers.
 - ii) Measures for the suppression of dust caused by the movement and storage of soils and aggregate materials within the site with particular reference to properties on Moreton Industrial Estate.
 - iii) Proposals for regular dust monitoring, recording and reporting of the results.
 - iv) Remedial works where necessary, including during specified weather conditions.

The scheme shall be implemented as approved in writing throughout the duration of the development unless otherwise agreed in writing by the mineral planning authority.

Reason: To prevent pollution and protect the amenity of the occupiers of nearby buildings and to ensure compliance with Policies DR4 and DR9 of the Herefordshire Unitary Development Plan 2007.

Resurfacing of Marden Lane

19. The winning and working of minerals hereby permitted on this site shall not take place unless and until the entire length of the C1122 between the A49(T) 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 the standard specified BS4987 or any subsequent revision, amendment or replacement to such specifications.

Reason: In the interests of the amenity of the locality and highway safety and to comply with Policy T8 of the Herefordshire Unitary Development Plan 2007.

Restrictions

Permitted development rights removed

20. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no buildings, fixed plant, machinery, structures whether mobile or fixed, exterior lighting, lagoons, mineral stocking areas, means of access or other structures shall be constructed or placed on the application site, except as provided for under other conditions of this permission or with the prior written approval of the mineral planning authority.**

Reason: To maintain control over the development and minimise the potential for visual and landscape intrusion in accordance with Policies DR1, DR2 and LA2 of the Herefordshire Unitary Development Plan 2007.

Operating hours

21. **No machinery shall be operated, maintained or tested, other than for water pumping or in case of emergency, and no process shall be carried out, or deliveries taken at or despatched from the site outside the following times: 0700-1900 hours Mondays to Fridays, 0800-1300 hours on Saturdays and not at all on Sundays, Bank or Public Holidays.**

Reason: To protect the amenity of occupiers of nearby properties in accordance with Policies S2, DR2, DR4 and DR13 of the Herefordshire Unitary Development Plan 2007 and to be consistent with planning permissions reference DCCW2005/1242/M and DCCW2005/1243/M on the adjoining land.

Pipeline protection

22. **No work shall be undertaken in the vicinity of the high pressure gas pipeline other than in accordance with the National Grid Engineering Standard T/SPSSW22 'Specification for Safe Working in the Vicinity of National Grid high Pressure Gas Pipelines and Associated Installations: Requirements for Third Parties' or any instrument revoking or re-enacting that document with or without modification.**

Reason: To ensure the gas pipeline is not damaged.

Working depth

23. **No excavation shall be undertaken in connection with the permission hereby granted at any point within the application area that is deeper than the naturally occurring sand and gravel deposits at that point unless otherwise agreed in writing in advance by the mineral planning authority.**

Reason: To define the permission for the avoidance of doubt and because deeper excavation would require further assessment in the interests of local amenity, pollution control, protection of ground and surface waters and the

nature conservation interests of the River Lugg SSI/SAC and to comply with Policies S2, DR4, DR6, NC1 and NC3 of the Herefordshire Unitary Development Plan 2007.

Protect existing trees/hedgerows

24. The existing trees and hedgerows within and on the perimeter of the application site shall not be wilfully damaged, destroyed, uprooted, removed, felled, lopped or topped unless otherwise provided for within the approved plans and details set out in condition 5 above. Any vegetation removed without consent, dying, being severely damaged, or becoming diseased at any time during the development or aftercare period, shall be replaced in the planting season immediately following, with plants of such size and species as may be specified by the mineral planning authority.

Reason: To protect the integrity of those trees and hedgerows to be retained, in accordance with Policies S1, S2, S9 and LA5 of the Herefordshire Unitary Development Plan 2007.

Buffer zone for the eastern boundary

25. No development shall take place and no soil, overburden, materials stockpiles, plant, vehicles or equipment shall be stored within 5 metres of the eastern site boundary [see condition 11].

Reason: In the interests of the amenity of the locality and to protect perimeter hedging in accordance with Policies S7, DR4, LA5 and NC9 of the Herefordshire Unitary Development Plan 2007.

Buffer zone for Long Coppice

26. No development shall take place and no soil, overburden, materials stockpiles, plant, vehicles or equipment shall be stored within 20 metres of the western site boundary with Long Coppice [see conditions 11 and 27].

Reason: In the interests of the amenity of the locality and to protect an area designated as Ancient Semi-natural Woodland in accordance with Policies S7, DR4, LA5, NC4 and NC9 of the Herefordshire Unitary Development Plan 2007.

Temporary stockpiles location

27. Temporary material stockpiles within the application site shall be located in the vicinity of the western boundary adjacent to Long Coppice, in accordance with point 8.56 of the submitted Environmental Statement and plan reference W107/17b dated March 2006, taking account of the requirements of condition 26 above [see conditions 11 and 26].

Reason: To minimise the impact on flood flow and floodplain storage volume and to ensure compliance with Policies S2 and DR7 of the Herefordshire Unitary Development Plan 2007.

Stockpile height limit

28. 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 prevent visual intrusion in the locality and ensure compliance with Policies S2, DR1 and S9 of the Herefordshire Unitary Development Plan 2007.

Fuel/chemical storage

29. 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%. 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 including the River Lugg SSSI/SAC and to ensure compliance with Policies DR4, DR6, NC2 and NC3 of the Herefordshire Unitary Development Plan 2007.

Contaminated material

30. If during development, contaminated material (visual or olfactory) is found to be present then no further works in this area shall be carried out (unless otherwise agreed in writing by the mineral planning authority until a Method Statement has been submitted to and approved in writing by the mineral planning authority giving specific details as to how this unsuspected contamination shall be dealt with. Thereafter, development of the site shall be carried out in accordance with the approved Method Statement.

Reason: To protect the water environment and to ensure compliance with Policy DR10 of the Herefordshire Unitary Development Plan 2007.

Noise limits

31. The level of noise from the development hereby permitted shall not exceed such levels as are set out in Table 12/1 'Derived criteria' on page 186 section 12 of the submitted Environmental Statement, at the following specified locations on plan reference WQ12/1 dated May 2007.
- i) Almshouses
 - ii) New House
 - iii) Brookhouse Farm
 - iv) St. Peter's Court
 - v) Marden Vicarage

Within 14 days of any written request by the mineral planning authority, the operator shall submit a noise survey using these locations to demonstrate compliance.

Reason: In order to protect the amenity of the occupiers of nearby properties in accordance with Policy DR13 of the Herefordshire Unitary Development Plan 2007.

Lighting

32. No light source shall produce more than 1 lux horizontal or vertical illuminance at any adjacent property boundary unless otherwise agreed in writing in advance by the mineral planning authority.

Reason: To minimise any lighting impact, protect the amenity of the occupiers of nearby properties and to ensure compliance with Policies S2, DR4 and DR14 of the Herefordshire Unitary Development Plan 2007.

Burning restrictions

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

Reason: To safeguard the amenity of the occupiers of nearby properties and prevent pollution, to ensure compliance with Policies S2, DR4 and DR9 of the Herefordshire Unitary Development Plan 2007.

Excavator type (archaeological protection)

34. Only toothless excavators or grading buckets shall be used for soil or overburden stripping, unless otherwise agreed in writing in advance by the mineral planning authority.

Reason: To enable features of archaeological interest to be adequately investigated and recorded in accordance with Policies S7 and ARCH6 of the Herefordshire Unitary Development Plan 2007.

Soil moving processes

35. Top soil and sub soil shall be stripped and stored separately in accordance with the appropriate DEFRA 'Good Practice Guide for Handling Soils'. All stripped materials shall be placed in storage mounds, the design and location of which have been agreed in advance in writing with the mineral planning authority as required by condition 11 above. No soil shall be stripped between the months of November and March inclusive or when standing pools of water exist on site [see informative note 3].

Reason: To protect the soil resource and ensure its optimum potential for re-use, in order to maximise the potential for successful restoration in accordance with Policy DR11 of the Herefordshire Unitary Development Plan 2007.

No soils to go off-site

36. No topsoil or subsoil shall be removed from the site other than for placement within the minerals extraction areas permitted under planning permissions

reference DCCW2005/1242/M and DCCW2005/1243/M, both dated 18th October 2005.

Reason: In order to ensure the proper reclamation of the site in the interests of landscape, local amenity, pollution control and to protect the River Lugg SSI/SAC, in accordance with Policies S2, DR4, DR11, NC2 and NC3 of the Herefordshire Unitary Development Plan 2007.

No importation of waste soils

37. No soil, subsoil, stone or waste materials shall be imported into the site for use in its reclamation other than that naturally occurring within the minerals extraction areas permitted under planning permissions reference DCCW2005/1242/M and DCCW2005/1243/M, both dated 18th October 2005.

Reason: In order to ensure the proper reclamation of the site in the interests of landscape, local amenity, pollution control and to protect the River Lugg SSSI/SAC, in accordance with Policies S2, DR4, DR11, NC2 and NC3 of the Herefordshire Unitary Development Plan 2007.

No foul drainage discharges

38. Other than under licence from the Environment Agency there shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.

Reason: To prevent pollution of the water environment, to protect the River Lugg SSSI/SAC and to ensure compliance with Policies S2, DR4 and DR6 of the Herefordshire Unitary Development Plan 2007.

Protection of River Lugg

39. All work associated with recharging the water from the working area back into the River Lugg shall be carried out in accordance with Environment Agency best practice guidelines and recommendations.

Reason: To retain the integrity of the River Lugg SAC designation and prevent increased suspended sediment entering the watercourse in accordance with policies S7, NC1 and NC2 of the Herefordshire Unitary Development Plan 2007.

Landscaping, restoration, aftercare and afteruse

Landscaping/restoration scheme

40. Unless otherwise agreed in writing in advance by the mineral planning authority, a scheme of phased progressive restoration landscaping based on drwg. nos. W107/22B 'Concept Restoration' and W107/23B 'Restoration Masterplan' shall be submitted in writing to the mineral planning authority within twelve months of the date of this permission. The scheme shall be implemented as approved and shall include in particular:
- i) Long-term establishment of lakes, ponds, reedbeds, shallows, species-rich grassland and wetland habitats.

- ii) Plans and sections to scale 1:1250 showing detailed methods for construction, proposed profiles, levels and origins of materials to be used.
- iii) Engineering details to maintain water levels including access, maintenance, overflow and drainage provision as necessary.
- iv) A schedule of the proposed habitat types with a rationale for their creation, establishment of links between them, future maintenance and target species.
- v) Seeding and planting plan and scheme including marginal and aquatic vegetation, comprising a location plan and list of species, seed mix/es, sizes and planting numbers.
- vi) Measures for tree and plant protection during their establishment.
- vii) Provision for the suppression of any invasive, proscribed or controlled weeds occurring on the site.
- viii) Provision for periodic review in order to adapt the scheme to reflect any revised adopted policies or changed circumstances.
- ix) Timescales for implementation of the scheme.

Reason: To clarify the approved details and secure the progressive restoration of the site to the highest possible standard while the winning and working of minerals takes place, and to facilitate the final reclamation of the site on completion of the development, in accordance with Policies S1, S2, DR4, LA6, NC7, NC8, NC9 and M7 of the Herefordshire Unitary Development Plan 2007.

Final restoration and removal of plant/infrastructure

41. Unless otherwise agreed in writing in advance by the mineral planning authority, a scheme of final restoration, based on drwg. nos. W107/22B 'Concept Restoration' and W107/23B 'Restoration Masterplan' shall be submitted in writing for the approval of the mineral planning authority within twelve months of the date of this permission. The scheme shall be implemented as approved within twelve months of the permanent cessation of minerals operations, unless otherwise agreed in writing in advance by the planning authority. The submitted scheme shall include in particular:
 - i) Removal of all stockpiles, plant, equipment, vehicles, buildings, hardstandings, roads, waste materials and site infrastructure.
 - ii) Reinstatement of the land to a nature conservation/reedbed afteruse.
 - iii) Prescribed measures for targeted habitat creation and biodiversity enhancement.
 - iv) Continuation and consolidation of habitat creation and enhancement including for the identified target species provided for under conditons 16 and 17 above.
 - v) Reinstatement of perimeter hedgerows and fencing.
 - vi) Cross-sections including final water body depths, bed and bank profiles.
 - vii) Final drainage arrangements for the reclaimed land, including the formation of suitably graded contours to promote natural drainage and the installation of artificial drainage if and where appropriate.
 - viii) Soil re-spreading details including depths of soil layers.
 - ix) Further seeding of reclaimed areas with a suitable herbage mixture, where necessary.

- x) Profiles of the permanent lake/s to succeed the workings, including any as-dug material, islands or promontories to be left or formed and the battering down of the banks.
- xi) Provision for periodic review in order to adapt the scheme to reflect any revised adopted policies or changed circumstances.
- xii) Timescales for implementation and completion.

Reason: To clarify the approved details and provide for appropriate landforms, geological conservation and final restoration of the site reflecting the approved afteruse, in accordance with Policies S1, S2, DR4, DR11, LA6, NC1, NC7, NC8, NC9 and M7 of the Herefordshire Unitary Development Plan 2007.

Aftercare

42. Unless otherwise agreed in writing in advance by the mineral planning authority, the operator shall submit a written aftercare scheme to ensure the reclamation of the site to the required standard for the approval of the mineral planning authority within twelve months of the date of this permission. The scheme shall include in particular provision for:
- i) Managing the site in the interests of biodiversity for at least a further five years on completion of the landscaping and final restoration works approved under condition 40 and 41 above.
 - ii) Provision for extending the aftercare across the whole quarry site for an agreed further period at the end of the five years as deemed necessary in the written opinion of the mineral planning authority at the time.
 - iii) Identification of the aftercare project manager.
 - iv) Schedule of works and timescales for implementation.
 - v) Monitoring and reporting arrangements and remedial work where necessary.
 - vi) Taking account of the adopted national and local Biodiversity Action Plans or their adopted equivalent in force at the time of implementation.
 - vii) Periodic review of management practices to take account of updated methodology, national or local government policy or advice as necessary.
 - viii) An annual site meeting at a mutually convenient date between the operators, the mineral planning authority and the person/s responsible for the aftercare works.

The scheme shall be implemented as approved on completion of the final restoration scheme as approved under condition 41 above.

Reason: To ensure the sustainable reclamation of the site to the highest possible biodiversity and landscape standards and to ensure compliance with Policies S1, S2, S7, S9, DR4, NC1, NC6, NC7, NC8, NC9 and M7 of the Herefordshire Unitary Development Plan 2007.

Afteruses

43. Notwithstanding the provisions 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 and working shall not be used for any activity other than for the purposes of nature conservation or agriculture

unless a specific planning permission for such is granted by the local planning authority.

Reason: To protect the River Lugg SSSI/SAC to ensure adequate control of the future activities at the site and compliance with Policies S1, S7, DR2, DR4, NC1 and M7 of the Herefordshire Unitary Development Plan 2007 and because any other use could have adverse environmental effects which require further assessment by the mineral planning authority.

Informatives

1. **N11A - Wildlife and Countryside Act 1981 (as amended) – Birds.**
2. **N11B - Wildlife & Countryside Act 1981 (as amended) and Conservation (Nat. Habitats & C.) Regs 1994 - Bats**
3. **The scheme of working required by condition 11 should refer to the DEFRA soil handling guidance found at www.defra.gov.uk. The details concerning groundwater monitoring should complement or extend the scheme approved under condition 16 of planning permission reference DCCW2005/1243/M. The details concerning contamination, soils and groundwater management should be compatible with, or an extension to, the scheme approved under condition 17 of planning permission reference DCCW2005/1243/M.**
4. **The applicant should be aware that pursuant to Section 23 of the Land Drainage Act 1991, the prior consent of the Environment Agency is required for the erection of any mill, dam, weir or other like obstruction to the flow of an ordinary watercourse or raise or otherwise alter such obstruction; or erect any culvert that would be likely to affect the flow of any ordinary watercourse or alter any culvert in a manner that would be likely to affect any such flow. Any culverting of a watercourse also requires the prior written approval of the local authority under the terms of the Public Health Act 1936. The Agency resists culverting on conservation and other grounds and consents for such works will not normally be granted except for access crossings.**
5. **The applicant should contact the Environment Agency's Water Resources Section in Cardiff (02920 245124) with regard to water resource consenting and licensing requirements, including dewatering and foul drainage.**
6. **The biodiversity audits required by condition 17 are intended to run consecutively with or be an integral part of the similar audits required under the terms of planning permissions reference DCCW2005/1242/M and DCCW2005/1243/M both dated 18th October 2005.**
7. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**

In reaching this decision the mineral planning authority was mindful of the particular circumstances of the case, namely the extent to which the development complied with policy and the way in which local issues of amenity and highway safety were addressed.

This informative is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the

**application report by contacting The Hereford Centre, Garrick House,
Widemarsh Street, Hereford (Tel: 01432-261563).**

Decision:

Notes:

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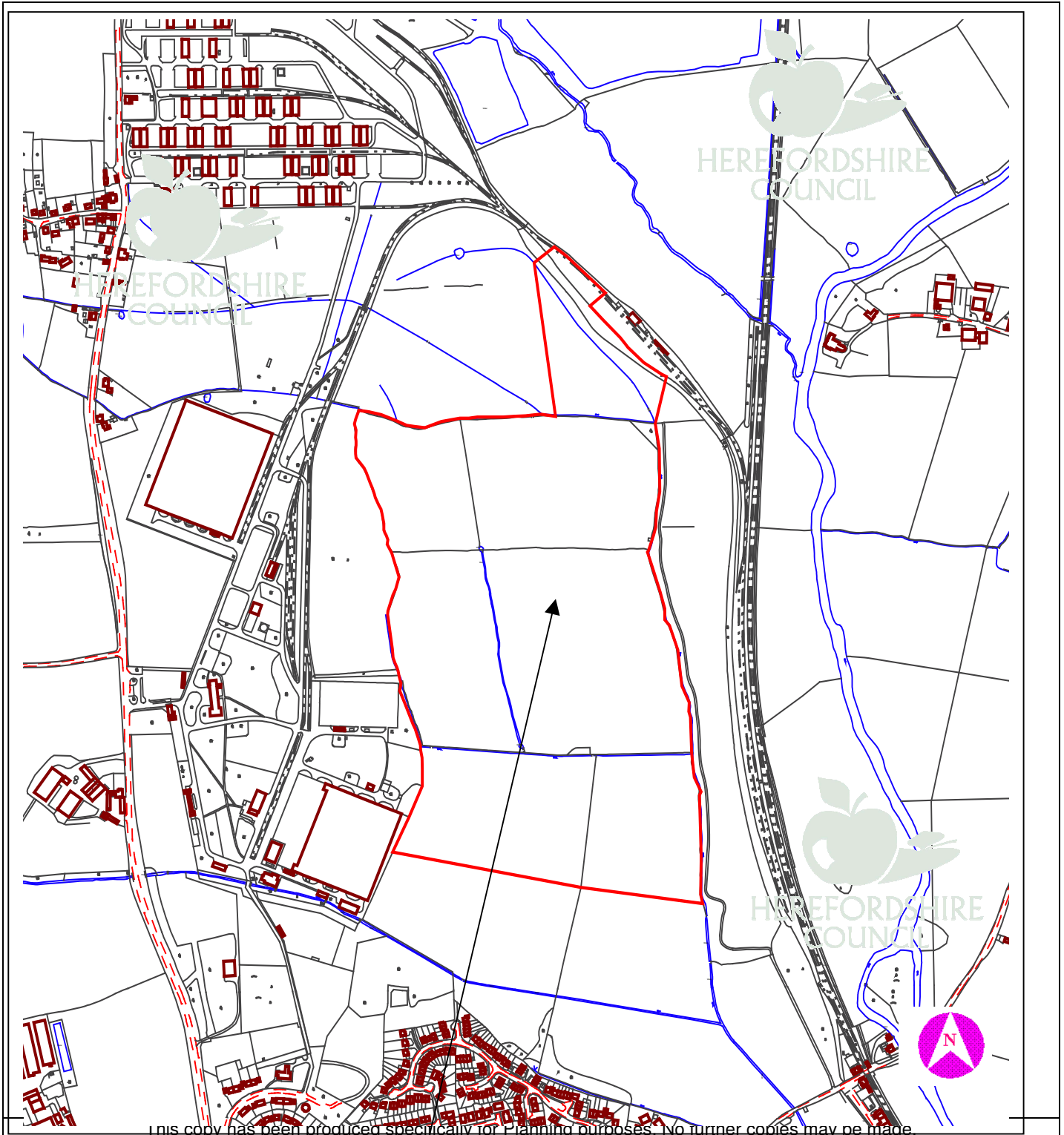
Background Papers

Submitted Environmental Statement and further submissions by the applicant

External consultation responses and correspondence

Internal consultation replies

Letters of representation from Parish Council and residents



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APPLICATION NO: DCCW2007/0871/M

SCALE : 1 : 9179

SITE ADDRESS : Wellington Quarry, Marden Lane, Wellington, Herefordshire.

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**6 DCCE2007/2720/F - ERECTION OF GLASSHOUSE.
WHITETHORN FARM, CAREY, HOARWITHY,
HEREFORDSHIRE, HR2 6NG**

**For: Mr. & Mrs. M. Soble, Paul Smith Associates, 19 St
Martins Street, Hereford, HR2 7RD**

Date Received: 23rd August, 2007 Ward: Hollington Grid Ref: 55989, 31069

Expiry Date: 18th October, 2007

Local Member: Councillor GFM Dawe

1. Site Description and Proposal

- 1.1 The site is located north of unclassified road 72001 west of the hamlet of Carey. Ground levels fall steeply from the road northwards towards the site and also from west to east around the site. South is a small deciduous woodland known as Whitethorn Wood and north of the site are three detached dwellings located on the northern side of unclassified road 72003.
- 1.2 An existing gravel track provides access into the field leading to an agricultural storage building and a pole barn for which permission was approved in 2005 and 2006 respectively. Beyond the pole barn is a timber chalet mobile home for which temporary planning permission was approved in 2006 and a further two mobile homes occupied by seasonal workers again subject to a temporary planning permission. The site lies within the Wye Valley Area of Outstanding Natural Beauty (AONB).
- 1.3 Planning permission is sought for the erection of a glass house on land immediately north of the existing principal agricultural building on site and south of Yew Tree Cottage. The scale of the glasshouse has been reduced from that originally submitted and now measures 30.5 metres in length by 24.4 in width by 2.4 metres in height to the eaves and 3 metres to the ridge. The glasshouse will be used to provide an extended season for the production of organic plants, fruit and vegetables. The glasshouse is of a typical design and construction with a series of pitched roofs.

2. Policies

2.1 Herefordshire Unitary Development Plan 2007:

S7	-	Sustainable development
LA1	-	Areas of Outstanding Natural Beauty
LA6	-	Landscaping schemes
E13	-	Agricultural and forestry development
DR1	-	Design
DR3	-	Movement
DR4	-	Environment

2.2 Planning Policy Guidance:

PPS7	-	Sustainable development in rural areas
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3. Planning History

- 3.1 CE2007/2638/S – Agricultural Building for cider press/barrel storage. Prior Approval Not Required 14th September, 2007.
- 3.2 CE2007/1971/F – Removal of condition 3 of planning permission CE2007/0571/F. Planning permission refused 17th August, 2007.
- 3.3 CE2007/0571/F – Proposed extension to barn. Planning permission approved 25th April, 2007.
- 3.4 CE2007/0056/S - Proposed construction of glasshouse. Prior Approval Not Required 29th January, 2007.
- 3.5 CE2006/3596/S - Agricultural building for storage of straw, hay, animal feed stuffs and general storage. Prior Approval Not Required 8th December, 2006.
- 3.6 CE2006/3291/F - Siting of two mobile homes to be occupied by seasonal agricultural workers only. Temporary planning permission approved 23rd November, 2006.
- 3.7 CE2006/1772/F - Siting of temporary living accommodation for agricultural worker. Temporary planning permission approved 29th August, 2006.
- 3.8 CE2006/0400/S - Agricultural building to store hay, straw, animal feeds and general storage. Prior Approval Not Required 28th February, 2006.
- 3.6 CE2006/0403/S - Agricultural glass house for raising of plants. Prior Approval Not Required 28th April, 2006.
- 3.7 CE2005/1944/S - Housing for irrigation control equipment and standby generator. Prior Approval Not Required.
- 3.8 CE2005/1124/S - Erection of agricultural building. Prior Approval Not Required 27th April, 2005.
- 3.9 CE2005/0350/F - Construction of farm track. Approved 4th May, 2005.
- 3.10 CE2004/4258/S - Agricultural building and construction of farm track. Prior Approval Refused 6th January, 2005.
- 3.11 CE2005/0093/S - Erection of agricultural building and construction of farm track. Prior Approval Refused 2nd February, 2005.

4. Consultation Summary

Statutory Consultations

- 4.1 None required.

Internal Council Advice

- 4.2 Traffic Manager: No objection

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

4.4 Conservation Manager:

I have taken the approach that as the application site is located within the Wye Valley AONB the introduction of this development into the landscape is contrary to Policy LA1 of the UDP in so much as the proposal is not small in scale, does not make a positive contribution to the intrinsic natural beauty of the landscape and is not necessary to facilitate the economic and social well-being of the designated area and its community. However, the policy does allow for certain exemptions and it is suggested that the proposal is not likely to have an adverse impact on the economy of the area and that the impact on the quality of landscape can be mitigated in general and some biodiversity, landscape and historic landscape gains achieved.

To this end the landscaping scheme has been produced following discussion on site with the applicant to reflect and address both the visual impact of the development and the operational constraints of the proposed building. The landscaping scheme proposes to add to the already significant tree and shrub planting recently carried out on the site (areas 'F' on the submitted landscaping plan), tree planting to the northern boundary; principally to screen glimpsed views from the lane immediately adjacent and from neighbouring properties. This planting is indicated as areas 'A' to 'E' on the submitted landscaping plan. Furthermore a new hedge is proposed across the site, immediately to the east of the proposed development, on a line corresponding to an historic field boundary and adjacent to the public right of way crossing the site. This is marked as 'G' on the submitted plan. Both the planting of the new hedge 'G' and the landscaping at 'A' and 'B' will also mitigate against any detrimental impact on middle and long distance views of the site. The landscaping scheme addresses the requirements of Policy LA6 of the UDP.

5. Representations

5.1 Little Dewchurch Parish Council: We recommend refusal due to adverse impact on the Area of Outstanding Natural Beauty.

5.2 Sixteen letters of objection have been received the main points raised are:

1. The development will generate increased noise and light pollution.
2. The development will lead to increased traffic on the sub-standard highway.
3. The development will be in direct view of neighbouring properties.
4. The scale of the development is excessive.
5. The development will have a detrimental impact on the Area of Outstanding Natural Beauty.
6. The development may impact on the adjacent public footpath.
7. More suitable sites exist within the holding for a development of this type and size.
8. The development will not benefit anyone else in the community other than the applicants.
9. The glasshouse and its materials does not fit in with either existing development or surrounding development, this being contrary to Appendix E of PPG7 and Planning Policy Statement 7.
10. The existing site is now an eyesore in the AONB and each day it gets a little worse.
11. The development will destroy the tranquility of the valley.

12. The fact that the size of the glasshouse has been reduced is deeply damaging to the credibility and agricultural justification for the proposal.
 13. The development is a large scale development (about 33% larger than a standard retail warehouse unit).
 14. PPS7 para 15 places great emphasis on the need to safeguard the quality and character of the wider countryside with AONB having a higher status of protection.
 15. Further information is required regarding the visual impact, noise, vehicle generation, drainage, materials and the degree of earth movement, all of which has not been provided and is essential to the consideration of the application.
- 5.3 The full text of these letters can be inspected at Central Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

- 6.1 The applicants need for the glasshouse was identified in the original business plan provided in support of the first building on site approximately three years ago. The business plan identified intentions to expand the range of fruit, vegetables and plants grown and in particular to extend the growing season. The construction of the greenhouse will facilitate this and the glasshouses and polytunnels are now very much a central component of a viable horticultural business. The agricultural justification for a glasshouse is therefore accepted.
- 6.2 Policy LA1 of the Herefordshire Unitary Development Plan 2007 states that development within an Area of Outstanding Natural Beauty will only be permitted where it is small scale, does not adversely affect the intrinsic natural beauty of the landscape and is necessary to facilitate the economic and social well being of the designated areas and their communities or can enhance the quality of landscape or by diversity.
- 6.3 The first issue is therefore whether the development can be considered as small scale. The revised plans identify a glasshouse of 750 sq metres (8000 sq ft) in area. This building represents a large scale building by general agricultural standards although may not be considered large scale in horticultural terms. However, the scale of any development must be assessed against its context. The proposed glasshouse will be considerably larger than any other development in the immediate or wider locality and therefore in the context of the site, the applicants holding and the wider area the development cannot be regarded as small scale.
- 6.4 The next test is whether the development adversely affects the natural beauty of the landscape. In this regard, the site for the development is currently undeveloped and it is inevitable that any development will have an impact and given the nature of the development and the materials, it is considered that this impact will be harmful. The development will also, as required in the third criteria, not facilitate the economic and social well being of the community to any tangible degree neither will it enhance the quality of the landscape. As such the proposal fails to accord with the first part of Policy LA1 relating to development within the AONB.
- 6.5 However, Policy LA1 also allows for exceptions and in this regard, the comments of the Conservation Manager (Senior Landscape Officer) are relevant. The applicants have submitted a landscaping scheme following consultation with the Conservation Manager. Whilst he considers that the impact of the development on the AONB will be

harmful, the proposed landscaping scheme will satisfactorily mitigate the detrimental effect on the landscape. As such the requirement of Criteria 4 of Policy LA1 is, in the view of the Conservation Manager satisfied. In respect of exceptions 1, 2 and 3 of the same policy, the development is not of greater national interest than the purpose of the AONB and therefore the development fails this test. Criteria 2 states that the development must not have an adverse impact upon the local economy which it will not and Criteria 3 requires investigation of alternative sites to be pursued. It is considered that the chosen site in landscape terms is the most appropriate within the land owned by the applicant.

- 6.6 Notwithstanding the comments of the Conservation Manager, concerns still exist with the impact of the development both in its own right and cumulatively alongside other developments on site and the consequential impact on the character and appearance and intrinsic natural beauty of the AONB. The applicants advise that if this proposal is approved, the other glasshouse approved under an agricultural notification procedure will not be required. However, no legal agreement has been offered to rescind these permissions. On balance, given that the Conservation Manager is satisfied that the harmful impact of the development can be acceptably mitigated as detailed in the provisional landscaping scheme, the development is acceptable in terms of its landscape impact. This will be subject to the landscaping being completed in its entirety within the first planting season following implementation of the permission and the use of well established trees.
- 6.7 The Traffic Manager raises no objection to the development although further information is awaited regarding the possible intensification in the use of the site and potential for retail sales, which may necessitate a restriction on such sales. The development does fall within the outlook of properties immediately to the north but with the additional planting proposed it is not considered that the development will have any additional impact on the amenity of neighbouring properties. No artificial lighting or heating is proposed.
- 6.8 Overall, while concerns remain regarding the scale of the development and its consequential impact on the AONB, the proposed landscaping and potential biodiversity enhancement is considered sufficient to meet the requirements of Policy LA1 of the Herefordshire Unitary Development Plan 2007 alongside Policy E13 relating to agricultural development. On this basis, the application is supported.

RECOMMENDATION

That planning permission be granted subject to the following conditions and any further 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. **G04 (Landscaping scheme (general)).**

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

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

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

- 4. **G07 (Details of earth works).**

Reason: (Special Reason).

- 5. **G26 (Landscaping management plan).**

Reason: In the interests of visual and residential amenity.

- 6. **The development hereby permitted shall not be artificially illuminated or heated without the prior written agreement of the local planning authority. In obtaining such agreement, full technical details shall be provided of the lighting/heating to be used and the lighting/heating used shall not be changed thereafter without prior approval of the local planning authority.**

Reasons: In the interests of residential amenity and to minimise light pollution.

Informatives:

- 1. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**
- 2. **N19 - Avoidance of doubt.**

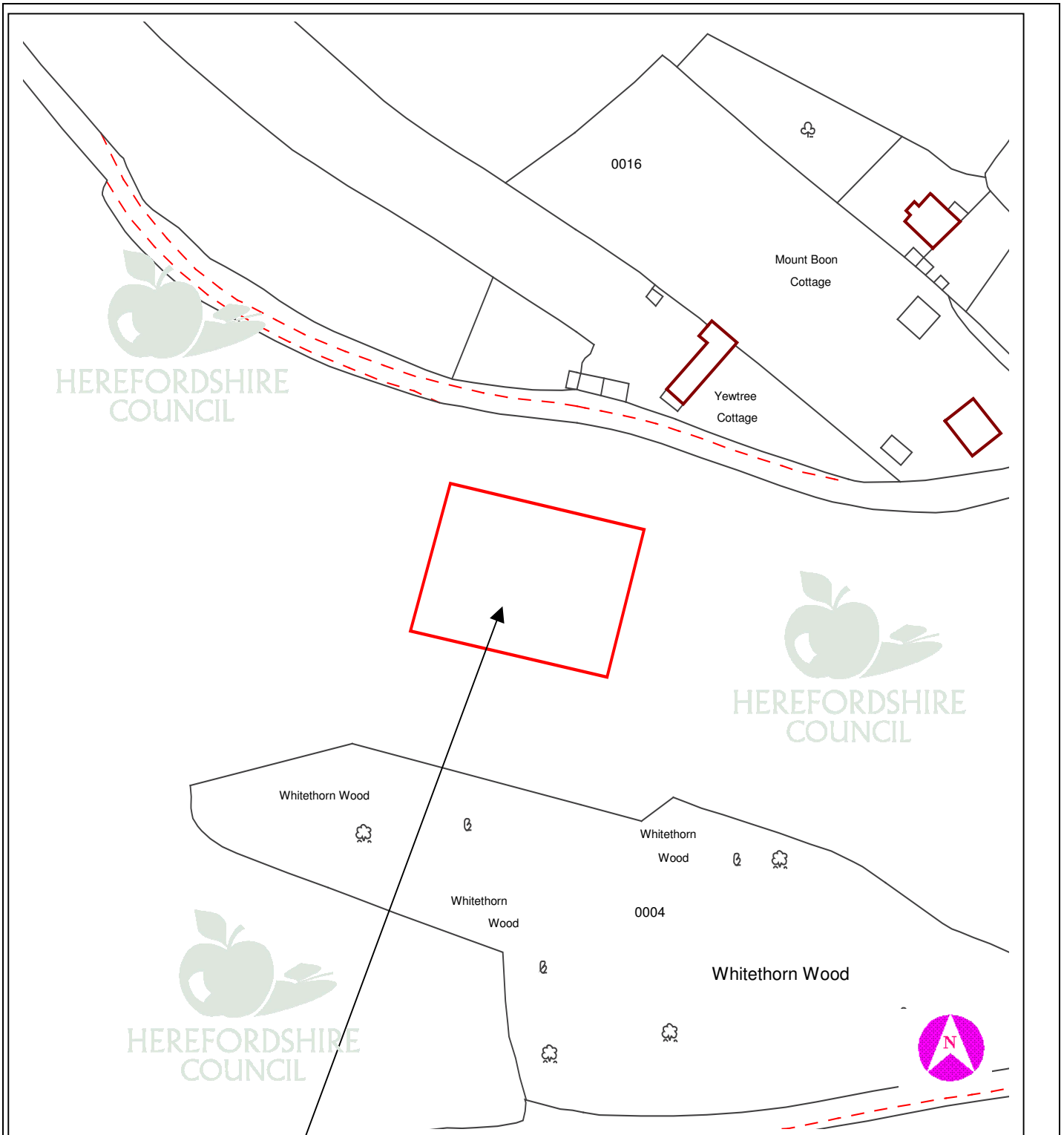
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2007/2720/F

SCALE : 1 : 1250

SITE ADDRESS : Whitethorn Farm, Carey, Hoarwithy, Herefordshire. HR2 6NG

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7 DCCE2007/3860/RM - A DEVELOPMENT OF 151 DWELLINGS CONSISTING OF 2,3,4 & 5 BEDROOM HOUSES WITH 1+2 BEDROOM APARTMENTS (PHASE 3). LAND OFF BULLINGHAM LANE, HEREFORD, HEREFORDSHIRE, HR2 7RY

For: George Wimpey South Wales, Unit C, Copse Walk, Cardiff Gate Business Park, Pontrennau, Cardiff, CF23 8WH

Date Received: 18th December, 2007

Ward: St. Martins & Hinton

Grid Ref: 51072, 37949

Expiry Date: 18th March, 2008

Local Members: Councillors WU Attfield, ACR Chappell and AT Oliver

1. Site Description and Proposal

- 1.1 The site comprises two parcels of land located between Bullingham Lane to the west and Hoarwithy Road to the east adjoining the railway line to the south. Access to the site is gained via Bullingham Lane which links into the A49 to the west. Ground levels are generally flat although there is a general fall from north to south.
- 1.2 The site comprises the last phase (Phase 3) of the residential development on the former SAS Camp known as Bradbury Lines. Outline planning permission was granted on 10th February, 2005 for the mixed use development of the site comprising housing, public open space community and local retail facilities. This permission superceded a planning permission in 2004 for Phase 1. The master plan accompanying the outline permission estimated a capacity of the site of around 500. Over the past three years several detailed permissions have been approved comprising Phases 1 and 2. The total number of approved dwellings now stands a 457, the majority of which have now been constructed and are occupied.
- 1.3 This application seeks to secure reserved matters approval for the layout, scale, access, appearance and landscaping for the final phase of the development. The application comprises 151 one, two, three, four and five bedroom dwellings and one and two bedroom apartments taking the total number of units for the site up to 608.
- 1.4 This mix has been amended to take on board comments received from consultees. Thirty-six per cent of the total number of units are affordable with 18% comprising low cost discount market housing, 9% are rented and 9% shared ownership. This will be in line with the Section 106 Agreement accompanying the outline permission. The main area of central open space, the junior football pitch, the all surface multi-use games area and main play area have all been approved in 2005 and do not form part of this proposal. Land in the south east corner of the site is also identified within the master plan for community use and this has now being transferred to Herefordshire Council. A new community building funded by the developer is to be constructed on this land but this again, does not form part of this application.

2. Policies

2.1 Planning Policy Guidance:

PPS 1	–	Planning for Sustainable Development
PPS 1	-	Annexe - Planning and Climate Change
PPS 3	-	Housing

2.2 Herefordshire Unitary Development Plan 2007:

S1	-	Sustainable development
S2	-	Development requirements
S3	-	Housing
S5	-	Town centres and retail
S6	-	Transport
S8	-	Recreation, sport and tourism
S11	-	Community facilities and services
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning obligations
DR13	-	Noise
H1	-	Hereford and the market towns: settlement boundaries and established residential areas
H2	-	Hereford and the market towns: housing land allocations
H9	-	Affordable housing
H13	-	Sustainable residential design
H14	-	Re-using previously developed land and buildings
H15	-	Density
H16	-	Car parking
H19	-	Open space requirements
TCR13	-	Local and neighbourhood shopping centres
T6	-	Walking
T7	-	Cycling
T8	-	Road hierarchy
T11	-	Parking provision
LA6	-	Landscaping schemes
RST3	-	Standards for outdoor playing and public open space
RST5	-	New open space adjacent to settlements
W11	-	Development and waste implications
CF5	-	New community facilities
CF2	-	Foul drainage

3. Planning History

- 3.1 CE2001/2756/O - Site for mixed use development to provide housing, open space, community and local retail uses (Phase 1) at land at Bradbury Lines, Bullingham Lane, Hereford. Outline planning approved 19th January, 2004
- 3.2 CE2001/2757/O - Site for mixed use development to provide housing, open space, community and local retail uses at land at Bradbury Lines, Bullingham Lane, Hereford. Outline planning approved 10th February, 2005.

- 3.3 DCCE2004/0095/RM - Proposed residential development mix of 2, 3, 4 and 5 bed houses, flats, bungalows, car parking/garages, roads and sewers thereto and landscaping. Approved 2nd June, 2004.
- 3.4 DCCE2005/1230/RM - Construction of 130 dwellings, provision of public open space and associated works. Approved 18th October, 2005.
- 3.5 DCCE2004/1545/RM - Proposed erection of 70 residential mixed dwellings. Withdrawn.
- 3.4 DCCE2005/1130/RM - Proposed residential development mix of 2, 3, 4 and 5 bed houses, flats, car parking/garages, roads and sewers thereto and landscaping (Phase 2). Approved 9th August, 2005.
- 3.7 DCCE2005/1991/F - Variation of Condition 29 of Outline Approval CE2001/2757/O. Approved 17th August, 2005.
- 3.8 DCCE2005/3145/RM - Provision of central area of public open space. Approved 22nd November, 2005.
- 3.9 DCCE2005/3706/RM - Proposed 2, 3 and 5 bedroom mixed residential development for 21 dwellings with associated accesses and garaging. Approved 8th February, 2006.
- 3.10 DCCE2006/1928/RM - Proposed 2, 3 and 4 bedroom mixed residential development Phase 2B. Amendment to permission CE2005/1130/RM to include construction of 14 dwellings. Approved 15th September, 2006.
- 3.11 DCCE2007/2193/RM - 152 new dwellings consisting of 1, 2, 3 and 4 bedroom flats and houses, associated garages, highways and external works. Withdrawn 26th October, 2007.

4. Consultation Summary

Statutory Consultations

4.1 Highways Agency:

Outline planning permission was given for the site which indicated 500 dwellings, although a definitive ceiling on numbers was not stipulated in the consent. During further consultation and assessment work, the Highways Agency agreed that the trunk road network along with agreed mitigation measures would be able to accommodate up to 609 dwellings on the site.

This application is for a 151 dwellings and all the highway mitigation and drawings are as agreed in the outline consent. The number of parking spaces stipulated has increased from 280 to 302. This is a significant increase, and we ask that the developer justifies the additional level of parking and demonstrates how this fits in with Herefordshire Council's parking standards.

In light of the above the application as submitted is considered to require more information therefore the Agency therefore directs that the application is not determined at this time to allow the applicant time to address the issues raised by the Agency.

4.2 Sport England:

The creation of the new dwellings will lead to an increased demand on existing leisure and sports facilities. Therefore, unless there are already contributions sought for sports and leisure, we strongly advise contributions in the region of between £110,234 and £126,222 are required to either underpin existing sports facilities or towards the creation of new ones. This sum is based on the possible number of occupants in the dwellings proposed using our Sports Facilities Calculator.

4.3 Environment Agency: We have no objections to the development but recommend that the conditions attached to the outline consent are imposed. This includes requirements that sustainable urban drainage SUDS is incorporated prior to discharge to any sewer or receiving watercourse.

The use of SUDS is also acceptable providing such drainage does not result in unacceptable risk of remobilising contaminants present in the soil. If soil conditions are not appropriate an alternative drainage system will be required.

4.4 Welsh Water: No objections subject to conditions concerning foul and surface water drainage.

4.5 Network Rail: There is no objection to the proposal but specific requirement relating to fencing, drainage, ground levels, site layout, environmental issues, landscaping, construction and general safety are required to ensure the safe operation of the railway and protection of Network Rail's adjoining land.

Internal Council Advice

4.6 Traffic Manager: I recommend refusal until the following items have been resolved and amended plans provided. These include revisions to the design of the internal road network and associated footway and cycle paths, clarification as to parking allocation, changes to internal junction designs, visibility splays from some of the internal roads and widening of Bullingham Lane frontage.

Comments awaited on amended plans.

4.7 Parks and Countryside Manager:

I understand that the total number of dwellings on this development including Phase 3 is now 608. The total area of public open space provided is 4.15 hectares. Based on the thresholds within Policy RST3 of the Herefordshire Unitary Development Plan of 2.8 hectares per 1000 population and 2.3 persons per dwelling (average persons per dwelling - 2001 Census), a development of 608 dwellings should provide 3.92 hectares I would therefore not ask for any increase or an off-site contribution on this basis.

In a development this size, Policy H19 requires a play area suitable for 8-14 year olds and younger children, and outdoor sports provision for older children and adults. I understand that these details have already been approved.

We now, however ask for a Sport England contribution towards sports facilities provision from all new developments. This is in response to Sport England who require such developments to help contribute towards increased participation in active sports to meet with their strategy. The calculation is based on Sport England's Sports Facilities Calculator and equates to £630 per dwelling/apartment (figure agreed by

Sport England). Therefore in this case based on 108 units, we request £68,040. This will be used primarily towards improvements at Hereford Leisure Pool.

Given that the emerging PPG17 audit identifies a substantial shortfall of outdoor sports facilities per head of population in Hereford City south, we ask for Sport England's contribution in addition to on site provision of outdoor sports areas as determined by Policy H19.

With regard to the layout plans, we ask that consideration is given to the following regarding the proposed open space/landscaping scheme?

- Ensure adequate run off areas for the football pitch.
- In respect of the public/private domain ensure clear boundaries are established between residential property and POS.
- Remove the pathways to houses that cut across the POS as shown in phase 3b and have one path to these properties. These will avoid potential future disputes with residents over maintenance issues. It also reduces maintenance costs.
- Trees planted in residential gardens are not encouraged as they are often removed when residents move in.

We would like to see the final landscaping plan for this phase to incorporate the comments above and clear boundaries of POS to be adopted by the Council

4.8 Head of Children's & Adult Services:

The provided schools for the site are St Martin's Primary School and Wyebridge Sports College. Both schools currently have capacity however the authority is currently undertaking a review of school provision and it is likely that capacities of schools will be assessed and reduced resulting in little if any surplus capacity at the schools.

Any additional children may then result in organisational difficulties at the schools and Section 106 contributions in line with the draft Supplementary Planning Document on Planning Obligations are therefore sought towards rectifying some of the existing issues that will be exacerbated by inclusion of additional children. The issues being the inadequate size of some of the classrooms, insufficient storage and general ancillary facilities such as cloakrooms. The required contributions range from £2,005 per unit for two bed apartments to £6,485 per unit for 5 bed houses.

4.9 Conservation Manager: Comments awaited.

4.10 Strategic Housing Manager:

Taylor Wimpey have now agreed to 25 low cost market units, 18 rented and 8 shared ownership over this last phase. Strategic housing now support the mix of affordable proposed and the distribution across the site.

4.11 Environmental Health and Trading Standards Manager: No objection.

4.12 Primary Care Trust: No comments received.

4.13 Defence Estates: No comments received.

4.14 Hereford Nature Trust: No comments received.

5. Representations

- 5.1 Hereford City Council: Objects to the over development of this site that will have an adverse effect on the already over used A49.
- 5.2 Lower Bullingham Parish Council: The Parish Council comments as follows:
1. There is lack of infrastructure.
 2. Disagree with the density of houses at this site - more cramming in of houses.
 3. Concerns over drainage - current drainage network cannot cope with the water at times of high rainfall which has contributed to flooding of a large area along Hoarwithy Road and localised properties.
 4. Parking - the Parish Council is concerned over the parking proposed for this application as there are on-going parking problems within the area already in the location of Hoarwithy Road. This development will only exacerbate the problem.

Finally the Parish Council feel throughout the development Herefordshire Council has not listened to the points raised by the Council in previous phases. The Parish Council would have welcomed involvement during the consultation period to air the concerns of parishioners.

It is requested that with any further development around this area, the Parish Council are consulted upon prior to applications being submitted.

- 5.3 One e-mail from Gordon Higginbotham of 1 Aconbury Avenue. He queries whether access to the final phase will be via Hoarwithy Road, whether existing mature trees along Hoarwithy Road around the community land will be retained and how noise and dust emanating from the development during the construction phase will be controlled.
- 5.4 The full text of these letters can be inspected at Central Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

The Principle

- 6.1 Two outline planning permissions have been approved for the site, the first granted on the 19th January, 2004 represented Phase 1 and was for a total of 160 units. This outline planning permission was superseded by the main outline permission for the site as a whole granted on the 10th February, 2005. The master plan accompanying this outline permission estimated the capacity of the site at the time to be around 500. However, neither the outline planning permission for the site as a whole nor the associated Section 106 Agreement placed a limit on the total number of units to be constructed on the site. As such, the principle of developing the site for residential development along with the potential for an increase in the density falls within the terms of the outline planning permission.
- 6.2 The capacity of the site was reviewed as part of the Unitary Development Plan process and both the Council and the UDP Planning Inspector accepted that the capacity and density of the site could be increased from an estimation of 500 to an estimated capacity of 600. This is now confirmed by Policies S3 and H2 of the Unitary Development Plan. Therefore the principle of increasing the density of development across the site as a whole including the last phase is fully supported by the Unitary

Development Plan policy and falls within the terms of the outline planning permission and Section 106 Agreement.

- 6.3 The master plan accompanying the outline permission also identified a small area of land in the south eastern corner of the site as a being a possible special care unit and local retail unit totalling 0.44 hectares. It was envisaged that this would include some form of sheltered or special care housing and local retail facilities to be integrated with adjoining community buildings. These facilities are no longer proposed. Neither the outline planning permission or the Section 106 Agreement required the provision of these facilities and the master plan merely presented them as being an option. Nevertheless, the applicants have appointed Turner & Company to undertake a retail viability appraisal to consider whether there is likely to be demand for a retail facility in this part of the site taking into account current supply and market conditions. The report concludes that due to the location of the site, the lack of any prominent road frontage, the limited through flow of vehicles and pedestrians along this part of Hoarwity Road and other large development that has taken place since the time of the outline permission was considered (Asda, Co-Op Supermarket on Holme Lacy Road and the development at 109-111 Belmont Road) retail development at any scale on the site is unlikely to attract any commercial interest due to its 'off pitch' location.
- 6.4 This report is considered sufficient evidence to demonstrate that even small-scale retail provision on the site is unlikely to be viable. That is not to say that such a facility could not be accommodated on the community land or even within the community building if a need generated by future housing land allocations exists in the future. However, in terms of the principle of considering this application, the development of the area identified on the masterplan as being retail with housing is considered acceptable.

Density and Highway Impact

- 6.5 Policy H15 of the Unitary Development Plan requires the efficient use of previously developed land and sets an indicative minimum net density of 30 dwellings per hectare rising up to 50 dwellings per hectare on town centre sites. The overall density of the last phase amounts to 45 dwellings per hectare which falls within the limitations of Policy H15 and that advocated by Planning Policy Statement 3. This is also comparable to that which has already been approved on Phases 1 and 2. Therefore, the proposed density of this last phase is not considered to be excessive for the site itself and will be consistent with the general character and density of earlier phases. The appropriateness of the increased number of units on the site must, however, be assessed against the residential environment that is created in terms of the layout, housing scales, design, materials, infrastructure, level of open space and highway impact.
- 6.6 In 2005, planning permission was approved for the Variation of Condition 29 of the outline permission, which entailed the re-evaluation of the traffic impact and production of a new traffic assessment. This, amongst other things explored the capacity of the junction from the A49 onto Bullingham Lane along with the impact on other localised junctions such as Holme Lacy Road. In approving this variation, the Highways Agency were satisfied that the junction had capacity to accommodate up to 609 units without further significant works.
- 6.7 The outline planning permission required the modification of the existing Bullingham Lane junction to a signalised junction and these works are due to commence in the next month or so. Therefore, the Highways Agency and the Traffic Manager are

satisfied that the local highway infrastructure can accommodate the total number of units proposed from this development, this being 609. This is also subject to the developer contributing to sustainable transport measures including the subsidisation of the bus service through the site and other off site pedestrian and cycle improvements to encourage the use of non-car based modes of transport. The strategic highway impact of this development is also confirmed by the Highways Agency who have raised no objection to the total number of units now proposed.

Layout

- 6.8 The layout is largely dictated by the existing road infrastructure and approved public open space, which borders most of the boundaries of the site. Nevertheless, some key principles have been adopted to ensure the development integrates with the existing built environment. A principle of the western parcel of land is to create an outward facing development with properties sited around the site boundaries to create a strong frontage both to Bullingham Lane and the open space whilst also ensuring that the footpath and cycle links are overlooked. The alignment of the Bullingham Lane frontage has been stepped back to mirror the now built development on the opposite side of the road. The current plans identify garaging along parts of this frontage which is considered unacceptable and this is in the process of being revised. The key mature trees in the south western corner of the site are to be retained with a new pedestrian/cycle path from the south western corner of Bullingham Lane adjacent to the railway bridge through this part of the site linking with the public open space and community land beyond.
- 6.9 The eastern half of the development also contains a strong frontage overlooking the public open space with slightly looser density with greater space between properties along the Hoarwithy Road frontage ensuring a continuation of the existing appearance created through the development constructed as part of Phase 2. A new pedestrian/cycle link is to be created running north-south linking with the community land and on to Hoarwithy Road. Properties are set back some distance from the cycle way enabling existing trees to be retained along with new planting to create a green corridor.
- 6.10 Where possible, the appearance and scale of the internal access roads have been down graded or reduced in width to create a more tortuous route for vehicles thereby acting as a traffic calming measure. Some of the gardens are relatively small and window-to-window distances a little restricted. However, in general, the property to garden ratio is acceptable and not unusual by modest residential development standards. Whilst further amendments are required to the layout and street scenes to address specific highway and design issues, the overall layout will not appear excessively dense or claustrophobic and a satisfactory residential environment will be created for the occupiers of the new dwellings.

Housing Mix and Design

- 6.11 A broad mix comprising one and two bedroom apartments and two, three, four and five bedroom houses is proposed, 36% of which are to be affordable housing. The housing comprises a mixture of terraced, semi-detached and detached properties, apartments and flats above garages with scales varying between two, two-and-a-half storey and three storey. This mix is in line with that which has been achieved from Phases 1 and 2 and will achieve a satisfactory mix and balance of accommodation ensuring that all levels of affordability are catered for.

6.12 In terms of design, additional interest is being introduced to key street scenes through varying the mass, width and height of the properties. There is scope to improve the transition between some of the different scales of properties to achieve acceptable street scenes and the applicants are currently reassessing this. The proposed designs are fairly typical of a development of this nature and given the same developer is involved, will largely follow that which has been achieved on Phase 2. Seventeen different house types are proposed with the predominant material being brick, some render and tiled roofs. Additional interest is achieved through some dormer detailing within the roof space, hipped as well as pitched roofs and subtle changes to features such as porch detailing and window lintels. Given the context of the site, sufficient variation and interest will be created in the streets scenes and development as a whole.

Highway and Open Space Matters

6.13 As discussed in Paragraph 6.1, the general traffic impact of the development was assessed at both the outline stage and as part of the 2005 permission. The latter concluded the overall traffic impact associated with around 600 units is acceptable. Phase 3 will be served by the same means of access off Bullingham Lane as the remainder of the estate with the only vehicular access to Hoarwithy Road being for buses controlled by a bus gate system.

6.14 Parking is provided on plot where possible with occasional small communal parking courts at the rear of properties, which ensures that parking areas are overlooked. The parking provision has been increased slightly from that which has been provided in Phases 1 and 2 due to localised concerns that inadequate on plot parking has been provided. The ratio now proposes a minimum two spaces per unit (including garages). Although this is above that required by Policy H16 of the Unitary Development Plan and has generated a concern from the Highways Agency, it is considered an appropriate provision given the location of the site on the edge of the city and the type of housing proposed. Whilst the bus service is to be diverted through the site, it is still likely that the occupants will be relatively dependent on the car and therefore it is considered reasonable that the parking provision should reflect this situation. At the time of writing the concerns of the Highways Agency are being addressed and further comments will be reported verbally.

6.15 As with Phases 1 and 2, the ethos has been to create a network of footpath/cycle links across the site linking in with existing footways where possible. This is continued with the current application where all components of the proposed development will have direct pedestrian and cycle access to the open space, sports and play facilities and a community site. Although further revisions to the internal road layout are required the principles of the highway layout and parking provision are considered acceptable.

6.16 There are now limited trees on the site but where existing trees worthy of retention exist, they are to be retained and integrated with the development. Additional planting is proposed in key spaces to enhance the residential environment. This includes a continuation of the existing green corridor around the Hoarwithy Road frontage bordering the community land and the retention and enhancement of existing trees and vegetation along the southern boundary with the railway line. Although the landscaping details are awaited which has caused a delay in the Conservation Managers response, the principles of tree retention and integration with the development are considered acceptable.

6.17 Across the development as a whole 2.45 hectares of public open space, play and sport provision is proposed. Based on the total number of units now proposed being 608, this equates to a slight over provision when assessed against Policy H19 of the Unitary Development Plan. This still, however, represents a short fall compared to that, which existed prior to the development taking place, as there were a number of sports pitches on the site when it was utilised by the SAS. Nevertheless, the general provision of public open space is considered acceptable and the main play facilities have already been approved in 2005.

Section 106 Matters

6.18 The Section 106 Agreement requires 36% of the total number of units within each phase to be affordable housing comprising 18% low cost discount market housing, 9% social rented and 9% shared ownership. The low cost market housing is discounted at 30% below the market value at the time of purchase and this discount remains in perpetuity and transfers from owner to owner. This requirement has been met with the current proposal and the affordable housing is well distributed around the site to create a socially inclusive residential community. 6 bespoke units are also being provided to meet the needs of a specific group on the affordable waiting list.

6.19 The Section 106 Agreement accompanying the outline permission also requires contributions towards community infrastructure in the locality of the site. All of the contributions outlined in the Section 106 were received at the beginning of this year. The index linked contributions are as follows:

Education £182,443,
Public transport contribution £280,067,
Bus stop contribution £22,805,
Safe route to school £79,819,
Graveyard contribution £57,013,
Community building contribution £786,787,
Walk/cycle facilities contribution £51,312.

6.20 The above contributions were based on the outline permission and the master plan, which identified an estimated capacity of 500 units. The proposed increase in the number of units will inevitably generate an additional impact on community infrastructure and therefore it is considered reasonable and necessary to re-assess the Section 106 contributions accordingly. It has been agreed that the simplest mechanism of delivering further contributions is the provision of a "roof tax" contribution per dwelling over 500 units. A figure of £4250 per residential unit has now been agreed and the additional funds will be used for the same uses identified in the original Section 106 Agreement with the addition of money being used towards off-site sports and recreational facilities as required by Sport England and the Parks and Countryside Manager. This contribution falls short of that required by the Draft Supplementary Planning Document on Planning Obligations. However, this document has not yet been adopted and the development must ultimately still be considered under the terms of the original outline permission and original Section 106 Agreement. Furthermore, the proposed contribution is a significant increase on that which has been achieved from the original S106 and therefore the increased Section 106 contributions are considered reasonable and appropriate.

Other Matters

- 6.21 The last phase of the development is to be designed and constructed to a minimum standard of Eco Homes “Good” and the applicants are currently trying to achieve Eco Homes “Very Good” for all the housing. The affordable housing is already being designed to this standard. This system will soon be replaced by the Code for Sustainable Homes but at present, still remains in force. Achieving Eco Homes Very Good in particular will increase the environmental credentials of the site considerably and particularly the energy efficiency of the houses. This along with additional sustainable transport contributions will assist in reducing the overall carbon footprint of the development from the start of the construction process through to future occupation of the houses.
- 6.22 Concerns have been expressed by the Parish Council regarding localised incidents of flooding and whether the drainage infrastructure can accommodate the total number of units now proposed. As part of the conditions accompanying the outline permission surface water run-off is limited to a greenfield run-off rate of 10 litres per second per hectare. In addition surface water drainage is also attenuated within the site to a 1 in 100 year flood risk with discharge controlled by a hydro brake to a culvert. There is no evidence to suggest that the surface water drainage from the development has caused or increased localised flooding and Welsh Water confirm that adequate foul drainage capacity exists.

Conclusion

- 6.23 At the time of writing this report, plans are being amended to address concerns expressed by consultees and therefore delegated authority is required to enable changes to the layout, and street scenes to be amended and finalised. The Highway Agency have also issued a direction preventing a decision from being made at present and therefore delegated authority is also required to enable the Highway Agency’s concerns to be resolved.

RECOMMENDATION

- 1) **Subject to submission of satisfactory amended plans addressing any layout and design changes considered necessary by officers to address matters raised in this report and subject to the highways Agency TR110 concerns being resolved by 3rd March, 2008;**
 - 2) **The Head of Legal and Democratic Services be authorised to complete a planning obligation by 14th March, 2008 under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms appended to this report and any additional matters and terms that he considers appropriate.**
 - 3) **Upon the completion of the aforementioned planning obligation the officers named in the Scheme of Delegation to Officers be authorised to issue a reserved matters approval subject to the following conditions and any further conditions considered necessary by Officers.**
1. **Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no new hardstanding shall be created between any**

highway or footpath under frontages of the approved dwellings other than those expressly authorised by this permission.

Reason: In the interests of visual amenity.

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

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

Informatives:

- 1. N02 - Section 106 Obligation.
- 2. N09 - Approval of Reserved Matters.
- 3. N15 - Reason(s) for the Grant of PP/LBC/CAC.
- 4. N19 - Avoidance of doubt.

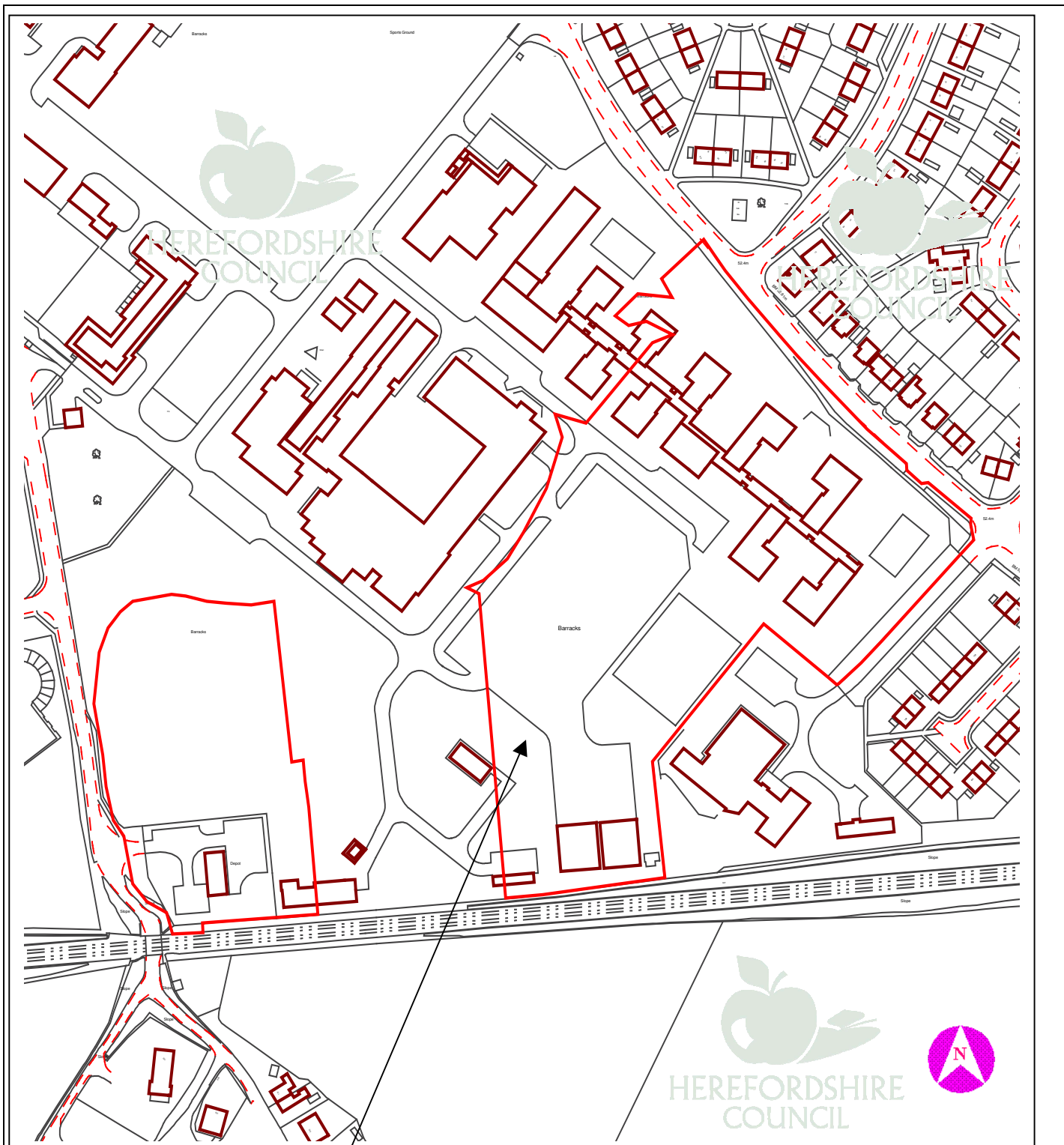
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCE2007/3860/RM

SCALE : 1 : 2500

SITE ADDRESS : Land off Bullingham Lane, Hereford, Herefordshire, HR2 7RY

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DRAFT HEADS OF TERMS
Proposed Planning Obligation Agreement
Section 106 Town and Country Planning Act 1990

Planning Application – DCCE2007/3860/RM

- Residential development of 151 dwellings with associated parking and landscaping

Land off Bullingham Lane, Hereford, HR2 7RY.

1. The developer covenants with Herefordshire Council, to pay Herefordshire Council £4250 per dwelling for every dwelling over 500 dwellings falling within the site for which outline planning permission was approved on 10th February, 2005. The money shall be used for the enhancement of community infrastructure in accordance with the Section 106 Agreement dated 9th February, 2005 and towards the provision of new or enhancement of existing off site sport and recreation facilities in the South Wye area.
2. In the event that Herefordshire Council does not for any reason use the said sum of Clause 1 for the purposes specified in clause 1 within 10 years of the date of this agreement, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
3. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.
4. The developer shall complete the Agreement by 14th March, 2008 otherwise the application may be registered as deemed refused.

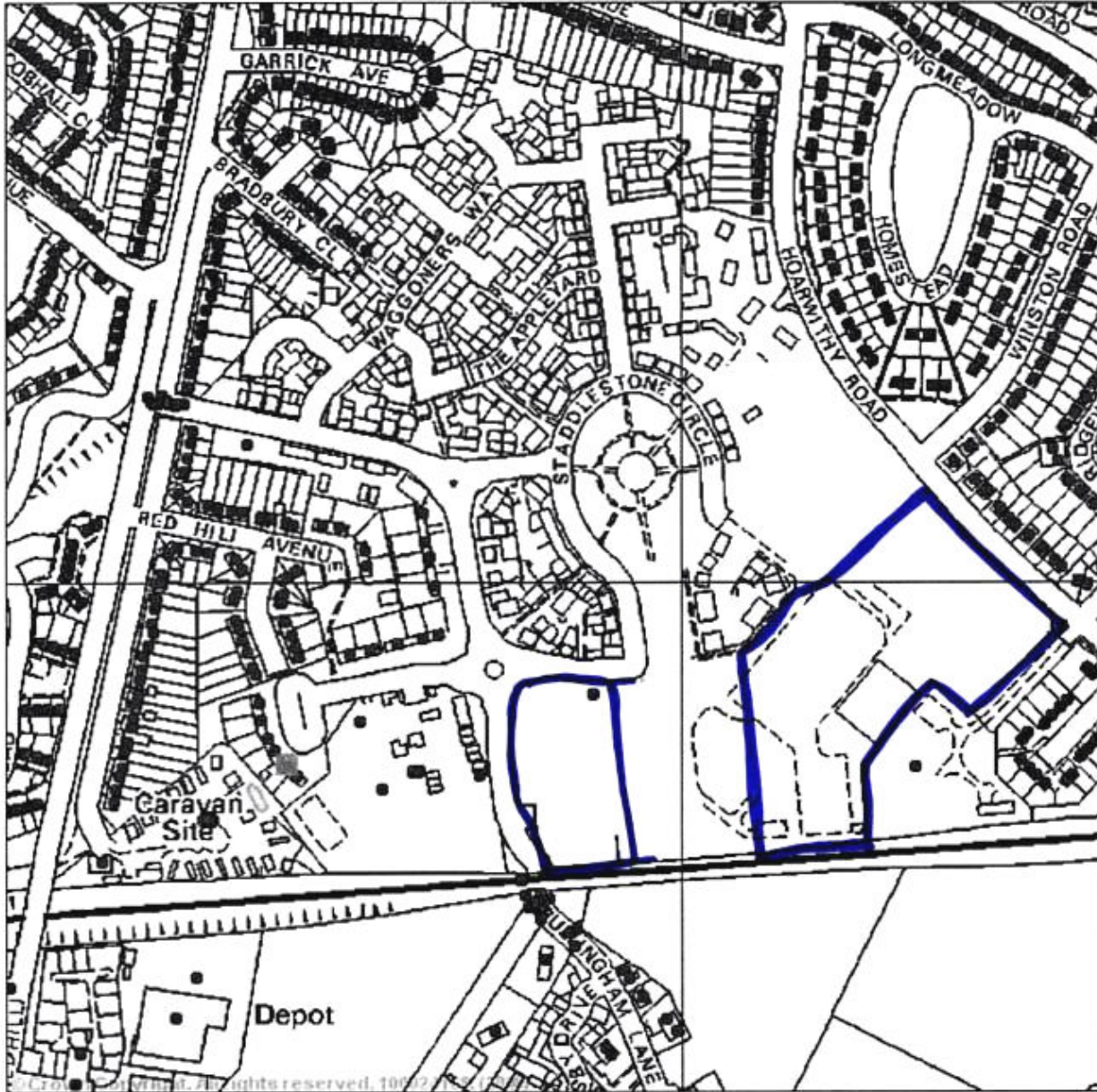
Russell Pryce - Principal Planning Officer




7th February, 2008



HEREFORDSHIRE
COUNCIL

County of Herefordshire District Council,
Brockington, 35 Hafod Road, Hereford, HR1 1SH,
website: www.herefordshire.gov.uk
switchboard: 01432 260000



-  Corporate Address Data
-  County Parishes
-  County Electoral Wards



Map Scale 1:4,500
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8 DCCW2007/3940/F - PROPOSED DEVELOPMENT OF TWO BUILDINGS (4 UNITS) FOR SMALL BUSINESS B1 AND B8 USE - LIGHT INDUSTRIAL AT MARSHALL BUSINESS CENTRE, WESTFIELDS TRADING ESTATE, HEREFORD, HR4 9NS

**For: Marshall Business Centre per Mr. S. Potter,
Pomona Office, Pomona Drive, Kings Acre Road,
Hereford, HR4 OSN**

Date Received: 24th December, 2007 Ward: Three Elms Grid Ref: 50346, 41121

Expiry Date: 18th February, 2008

Local Members: Councillors PA Andrews, SPA Daniels and AM Toon

1. Site Description and Proposal

- 1.1 The application site comprises approximately 0.5 hectares of allocated employment land forming part of Westfield Trading Estate, accessed off Faraday Road
- 1.2 The application seeks permission for the erection of two single storey B1/B8 industrial buildings, with an aggregate floor area of 465m². Each building will be sub-divided into 2 self-contained units.
- 1.3 The central part of the application site is occupied by a large two storey building known as Marshall Business Centre, the remaining area being laid to hard standing serving as a parking and circulation area. Building 1 will be sited adjacent to the northwest corner of the site, whilst building 2 will be sited in the southeast corner.

2. Policies

- 2.1 Herefordshire Unitary Development Plan 2007:

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S4	-	Employment
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy DR14	-	Lighting
Policy E6	-	Expansion of Existing Businesses
Policy E8	-	Design Standards for Employment Sites
Policy T11	-	Parking Provision

3. Planning History

- 3.1 None relevant.

4. Consultation Summary

Statutory Consultations

4.1 None.

Internal Council Advice

4.2 Environmental Health & Trading Standards Manager:

Comments on Original Submission

No objection. The Residents Group have contacted the Environmental Health Department regarding this application and have raised concerns regarding the likelihood of noise from the proposed development. There are two Residents Groups active in this area who liaise with the Council primarily regarding noise from Gelpack Printers and both noise and odour from Sun Valley. The complaints regarding noise in this area are primarily from those two sources, however there is a history of complaints regarding various businesses who operate from this area, obviously any intensification will increase the likelihood of further complaints being received. However, as far as I am aware there are no current ongoing investigations regarding noise from this area. Therefore I would recommend conditions to control hours of use, noise attenuation and no external use of plant or machinery. A condition controlling the hours of work during construction is also recommended. The delivery door on unit number 3 does not face into the business centre but north towards residential accommodation. This is likely to increase the likelihood of noise being heard by nearby residents as the building is not acting as a noise barrier. Ideally this door should be moved to face west to reduce the likelihood of complaints. The Council has also received complaints regarding the number of seagulls who nest in this area and the noise the birds generate, particularly during the breeding season. The control of seagulls is difficult and the prevention of nesting is considered to be the most successful approach in tackling the problem. Sun Valley take steps to reduce the number of birds by netting the roofs of their buildings and removing any nests. This action is likely only to displace any birds in the area and it is important that other potential nesting sites are designed to not attract birds and where possible netted or spiked to stop the birds landing. I would therefore advise the applicant to consider this problem when designing and proofing the buildings.

Comments on Revised Scheme

I have reviewed the amended plans for the proposed business centre, and I have no additional comments to make regarding the changes. Although the relocation of the door will reduce the likelihood of complaints being received, I still believe that there is the potential for nuisance to be caused due to noise, so the previously recommended conditions are still considered necessary.

4.3 Traffic Manager: No objection, but recommend conditions to secure the provision of details of parking and manoeuvring area, cycle storage and a travel plan.

5. Representations

5.1 Hereford City Council: No objections.

5.2 Letters of objection have been received from 23 properties in Grandstand Road and 6 properties in Armadale Close, summarised as:

- Application site is not large enough for the proposed development.
- The buildings are too large.
- The buildings are too close to the boundary with adjoining residential properties.
- The design and external materials do not match the surrounding buildings.
- Application is too vague, no details about the occupants, or hours of use.
- Storage use will be a fire risk.
- The application is speculative development.
- The development will give rise to additional noise and traffic.
- The existing car parking area is an important barrier to noise and other environmental nuisance and should be retained rather than built on.

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

6. Officer's Appraisal

6.1 Having regard for the relevant policies, the primary issues in determining this application are considered to be:

- The Principle of Development
- Design and Layout
- Residential Amenity
- Access and Highways Issues

Principle of Development

6.2 The application site lies within a designated area safeguarded for B1, B2 and B8 employment purposes within the Herefordshire Unitary Development Plan 2007. Therefore the proposed development is acceptable in principle, subject to other material considerations being satisfactorily resolved.

Design and Layout of the Development

6.3 As originally submitted the application sought permission for buildings with a ridge heights of 5.76 metres with an eaves height of 4.67 metres. However in response to the concerns raised in the letters of objection the applicants agent has revised the design of the buildings resulting in a reduction in ridge height to 5.47 metres, and through introduction of an asymmetric roofline the eaves height on the boundaries with the adjoining residential properties has been lowered to 4 metres. Furthermore in response to the comments of the Environmental Health & Trading Standards Manager, the doorway on unit 3 was relocated, and the applicant has agreed to incorporate bird-proofing measures to discourage birds from using the new buildings.

- 6.4 Although it is noted that a number of letters of objection refer to the inappropriate external appearance of the buildings, the utilitarian appearance of the buildings is representative of modern commercial buildings, and is not untypical of a number of commercial buildings in the wider locality.
- 6.5 Therefore having consideration for the character and appearance of both the existing site and that of the wider locality, the siting, scale, massing and general design of the proposed buildings are considered to be acceptable.

Residential Amenity

- 6.6 The average distance between the rear of the adjoining dwellings and the proposed buildings ranges between 27 and 30 metres, the one exception to this being a property known as 17 Grandstand Road where the distance falls to 21 metres.
- 6.7 Whilst it is acknowledged that the proposed development will inevitably alter the setting and outlook of the neighbouring properties, particularly those whose curtilages will abut the area behind the proposed buildings, having consideration for the existing relationship that the neighbouring properties have with the designated employment area, the siting of the proposed buildings close to the boundary is not considered to give rise to sustainable grounds for refusal in this instance.
- 6.8 With regard to the concerns raised in the letters of objection about noise, it is considered that the potential for disturbance can be satisfactorily mitigated. In this respect the comments of the Environmental Health & Trading Standards Manager are noted and appropriate conditions are recommended together with conditions to control external lighting.

Access and Highways

- 6.9 Whilst the concerns raised about the a potential increase in traffic are noted, it is not considered that the modest increase in vehicular movements which may be generated will materially alter these pre-existing highway conditions. The comments of the Traffic Manager are noted and appropriate conditions are recommended to secure the prior approval of parking areas, secure cycle storage and a travel plan.

Conclusion

- 6.10 Overall the proposal complies with the relevant policies in the Development Plan, and as such, approval is recommended.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

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

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

3. E05 (Restriction on hours of use (industrial)).

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

4. Notwithstanding the provisions of paragraph 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking or re-enacting that Order with or without modification), no development which would otherwise be permitted under Classes A or B of Part 8 and of Schedule 2, shall be carried out.

Reason: In order to protect the character and amenity of the locality, to maintain the amenities of adjoining properties and to comply with Policies DR1 and E8 of the Herefordshire Unitary Development Plan 2007.

5. The development hereby permitted shall not be brought into use until areas for the manoeuvring, parking, loading and unloading of vehicles have been laid out, consolidated, surfaced and drained in accordance with a scheme to be submitted to and approved in writing by the local planning authority and such areas shall thereafter be retained and kept available for those uses at all times.

Reason: To minimise the likelihood of indiscriminate parking in the interests of highway safety and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan

6. H29 (Secure covered cycle parking provision).

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

7. H30 (Travel plans).

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives.

8. F01 (Scheme of noise attenuating measures).

Reason: To safeguard the amenity of the area.

9. F04 (No open air operation of plant/machinery/equipment).

Reason: To protect the amenities of nearby properties.

10. F16 (Restriction of hours during construction).

Reason: To protect the amenity of local residents.

11. F32 (Details of floodlighting/external lighting).

Reason: To safeguard local amenities.

12. **No external flues or extractor equipment shall be installed at the premises without the prior written approval of the local planning authority.**

Reason: In the interests of the amenity of the area and to comply with Policy DR4 of the Herefordshire Unitary Development Plan 2007.

Informatives:

1. **N03 - Adjoining property rights.**
2. **N19 - Avoidance of doubt.**
3. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2007/3940/F

SCALE : 1 : 1250

SITE ADDRESS : Marshall Business Centre, Westfields Trading Estate, Hereford, HR4 9NS

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