

A G E N D A

Central Area Planning Sub- Committee

Date: **Wednesday, 1st October, 2003**

Time: **2.00 p.m.**

Place: **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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Brockington, 35 Hafod Road, Hereford Tel:
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**County of Herefordshire
District Council**

AGENDA

for the Meeting of the Central Area Planning Sub-Committee

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

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

	Pages
1. APOLOGIES FOR ABSENCE	
To receive apologies for absence.	
2. DECLARATIONS OF INTEREST	
To receive any declarations of interest by Members in respect of items on the Agenda.	
3. MINUTES	1 - 14
To approve and sign the Minutes of the meeting held on 3rd September, 2003.	
4. ITEM FOR INFORMATION - APPEALS	15 - 16
To note the Council's current position in respect of planning appeals for the central area of Herefordshire.	
5. HEAD OF PLANNING SERVICES REPORT	17 - 48
To consider and take any appropriate action on the attached reports of the Head of Planning Services in respect of the planning applications received for the central area of Herefordshire, and to authorise him to impose any additional conditions and reasons considered to be necessary.	
Plans relating to planning applications on this agenda will be available for inspection by members during the meeting and also in the Council Chamber from 1.30 p.m. on the day of the meeting.	

EXCLUSION OF THE PUBLIC AND PRESS

In the opinion of the Proper Officer, the next item will not be, or is likely not to be, open to the public and press at the time it is considered.

RECOMMENDATION: THAT the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Schedule 12(A) of the Local Government Act, 1972 as indicated below.

6. ITEM FOR INFORMATION - ENFORCEMENT

49 - 50

To note the Council's current position in respect of enforcement proceedings for the central area of Herefordshire.

- 12) Any instructions to counsel and any opinion of counsel (whether or not in connection with any proceedings) and any advice received, information obtained or action to be taken in connection with:
 - (a) any legal proceedings by or against the authority, or
 - (b) the determination of any matter affecting the authority (whether, in each case, proceedings have been commenced or are in completion)

- 14) Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

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- Inspect agenda and public reports at least three clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. A list of the background papers to a report is given at the end of each report. A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge.
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Agenda and individual reports can be made available in large print. Please contact the officer named on the front cover of this agenda **in advance** of the meeting who will be pleased to deal with your request.

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- The service runs approximately every 30 minutes from the 'Hopper' bus station at the Tesco store in Bewell Street (next to the roundabout junction of Blueschool Street / Victoria Street / Edgar Street).
- The nearest bus-stop to Brockington is located in Old Eign Hill near to its junction with Hafod Road. The return journey can be made from the same bus stop.

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

COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

MINUTES of the meeting of Central Area Planning Sub-Committee held at Council Chamber, Brockington on Wednesday, 3rd September, 2003 at 2.00 p.m.

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

Councillors: Mrs. P.A. Andrews, A.C.R. Chappell, Mrs. S.P.A. Daniels, P.J. Edwards, J.G.S. Guthrie, Mrs. M.D. Lloyd-Hayes, R.I. Matthews, J.C. Mayson, J.W. Newman, Ms. G.A. Powell, Mrs. S.J. Robertson, Ms. A.M. Toon, W.J. Walling, D.B. Wilcox, A.L. Williams and R.M. Wilson

In attendance: Councillors T.W. Hunt and J.B. Williams

21. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Mrs. W.U. Attfield, Mrs. E.M. Bew., G.V. Hyde, Mrs. J.E. Pemberton, D.C. Short MBE, W.J.S. Thomas and A.L. Williams.

22. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillors	Item	Interest
J.C. Mayson and Mrs. S.J Robertson	Ref. No. 8 – CW2003/2039/F - Reconditioning, refurbishment and extension to include a change of use into a public house at: OLD SCHOOL ROOMS, MORETON-ON-LUGG, HEREFORDSHIRE, HR4 8DE	Both Members declared prejudicial interests and left the meeting for the duration of the item.

23. MINUTES

RESOLVED: That the Minutes of the meeting held on 6th August, 2003 be approved as a correct record and signed by the Chairman.

24. ITEM FOR INFORMATION - APPEALS

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

RESOLVED: That the report be noted.

25. HEAD OF PLANNING SERVICES REPORT

The Chairman reported that the Secretary of State was minded to grant planning permission, subject to conditions, in respect of planning applications CE2001/0130/F and CE2001/2864/O at Claston Farm, Dormington. A number of Members

welcomed this decision.

The Chairman, following a request by the Chairman of the Planning Committee, invited the Sub-Committee to suggest sites which could be visited in order to identify examples of good practice in the County. A number of developments were suggested, these included: the Hospital, the Magistrates' Court, the Probation Service offices, the King's Fee Public House, and residential development in Commercial Road, Eign Road, Kings Acre Road and the former Bartestree convent.

The Chairman also updated the Sub-Committee on current Development Control performance indicators and praised the department for meeting or exceeding targets. He commented, however, that continued improvement could be hindered by capacity issues.

The report of the Head of Planning Services was presented in respect of planning applications received for the central area of Herefordshire.

RESOLVED: That the planning applications be determined as set out in the appendix to these Minutes.

EXCLUSION OF THE PUBLIC AND PRESS

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

SUMMARY OF THE PROCEEDINGS OF EXEMPT INFORMATION

26. ITEM FOR INFORMATION - ENFORCEMENT

The Sub-Committee received an information report about the enforcement notices served within the central area of Herefordshire.

RESOLVED: That the report be noted.

- [12) Any instructions to counsel and any opinion of counsel (whether or not in connection with any proceedings) and any advice received, information obtained or action to be taken in connection with:
- (a) any legal proceedings by or against the authority, or
 - (b) the determination of any matter affecting the authority (whether, in each case, proceedings have been commenced or are in completion)
- 14) Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.]

27. DATE OF NEXT MEETING

The next scheduled Central Area Planning Sub-Committee was Wednesday 1st October, 2003.

The meeting ended at 3.28 p.m.

CHAIRMAN

Document is Restricted

APPENDIX

Ref. 1
TILLINGTON
CW2002/3102/O

Site for proposed dwelling including details of design, external appearance, siting and access at:

GROVE COTTAGE, TILLINGTON, HEREFORDSHIRE, HR4 8LW

For: **MR. K. MORRILL PER MR. C. GOLDSWORTHY, 85 ST. OWENS STREET, HEREFORD, HR1 2JW**

In accordance with the criteria for public speaking, Mr. Naylor had registered to speak against the application but was not present at the meeting.

The Central Divisional Planning Officer reported the receipt of additional correspondence from the applicant.

Councillor Mrs. S.J. Robertson, the Local Member, noted that other proposals in the area had been refused due to access problems. Concerns regarding foul drainage seepage and over development of the area were also expressed. For these reasons, she felt unable to support the application.

In response to these concerns, the Central Divisional Planning Officer advised that the Head of Engineering and Transportation considered the access to be acceptable and that final details for drainage would be required by condition. He added that the circumstances of other proposals in the area were not directly comparable with this proposal and that, as applications had to be considered on their merits, approval of this application would not set a precedent for other development.

In response to a suggestion, the Central Divisional Planning Officer confirmed that a condition could be added which would require the provision of a splay at the access to the application site [access is to be included as a 'reserved matter' for future consideration].

RESOLVED:

That planning permission be granted subject to the following conditions:

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

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

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

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

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

Reason: To enable the local planning authority to exercise

proper control over these aspects of the development.

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

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

5. **H10 (Parking - single house).**

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

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

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

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

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

8. **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.

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

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

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

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

11. **E18 (No new windows in side elevation of extension).**

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

Ref. 2
HEREFORD
CW2003/0620/F

Erection of 6 no. storage silos on concrete base at:

GELPACK EXCELSIOR LTD, GRANDSTAND ROAD, HEREFORD, HR4 9NT

For: **GELPACK EXCELSIOR LTD. PER CLARKE MATTHEWS LTD., 16 MUSEUM PLACE, CARDIFF, CF10 3BH**

The Principal Planning Officer reported the receipt of a further letter of objection from the occupiers of 19 Grandstand Road and summarised its contents.

The Principal Planning Officer advised that, as a result of negotiations

with the applicant, the height of the proposed silos had been reduced by one metre to eleven metres and the silo nearest to properties on Grandstand Road had been moved approximately two metres further away.

Councillor Mrs. P.A. Andrews, a Local Member, welcomed the improvements which had been made to the application but was disappointed to note that the silos would not be partially recessed into the ground. In response, the Principal Planning Officer confirmed that the 'digging down' of silos to lower their appearance would present many unreasonable technical difficulties.

RESOLVED:

That planning permission be granted subject to the following conditions:

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

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

2. **A07 (Development in accordance with approved plans).**

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

3. **Deliveries to the six storage silos hereby approved shall only be made between the hours of 0830 to 1700 Monday to Friday. No deliveries shall be made on weekends or on Bank Holidays.**

Reason: To protect the residential amenity of properties adjoining the northern site boundary.

4. **The rating level of the noise emitted from the feed pipes and associated machinery/plant serving the six silos hereby approved shall not exceed the existing background noise level of 45 dB LA90 by more than 3 dB. The noise level shall be determined at 1m from the rear façade of 99 Grandstand Road (including measurement at first floor level as close to 1m from the façade as possible) and all readings shall be taken in accordance with BS 4142:1997.**

Reason: To protect the residential amenity of properties adjoining the northern site boundary.

5. **GO1 (Details of acoustic boundary fence).**

Reason: In the interests of residential amenity.

6. **A09 (Amended plans).**

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

Ref. 3
**LITTLE
 DEWCHURCH**
 CE2003/0002/F

Continued siting of bus caravan used as forestry workers dwelling at:
**TRILLOES COURT WOOD, LITTLE DEWCHURCH,
 HEREFORDSHIRE, HR2 6PS**
 For: **MR. S.W. KEOGH, 1 THE CLUSTERS, KINGS CAPLE,
 HEREFORD, HR1 4UD**

RESOLVED:

That planning permission be granted subject to the following conditions:

1 E25 (Personal and time limited permission)

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

2 E26 (Cessation of personal/time limited permission)

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

Note to Applicant:

- 1 The applicant is advised that this planning permission has been given on an exceptional basis only having regard to the particular circumstances of the site and the 'temporary' woodland enterprises carried out. Having regard to these circumstances the applicant is also advised that under present conditions it is unlikely that a permanent planning permission would be given to retain the bus caravan or erect a dwellinghouse.**

Ref. 4
TILLINGTON
 CW2003/1862/F

Erection of two holiday chalets at:
**LAND OPPOSITE THE HAVEN, BADNAGE LANE, TILLINGTON,
 HEREFORDSHIRE**
 For: **MRS. R. JONES PER SMITH ROBERTS ASSOCIATES, 3
 BEAUFORT BUILDINGS, CLIFTON, BRISTOL, BS8 4AN**

Councillor Mrs. S.J. Robertson, the Local Member, noted that the proposal would regenerate an existing brown-field site and welcomed the application. However, she felt that the amount of time that the chalets could be let for each year should be restricted. In response, the Principal Planning Officer advised that this issue could be addressed through conditions.

In response to a concern about access, the Principal Planning Officer recognised that Badnage Lane was very narrow but noted that it was not unique in rural areas and that it would not prevent an otherwise acceptable development which would generate low levels of traffic.

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. **E31 (Use as holiday accommodation).**

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

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

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

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

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

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

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

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

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

7. **F01 (Scheme of noise attenuating measures).**

Reason: To safeguard the amenity of the area.

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

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

9. **H01 (Single access - not footway) (2 x 30 metres).**

Reason: In the interests of highway safety.

Ref. 5
HEREFORD
CE2003/1982/F

Variation of conditions 2 and 3 of previous planning permission CE01/1302/F. Permanent use of site for residential purposes and minibus business to include parking of three mini buses at:

10 MOUNT CRESCENT, TUPSLEY, HEREFORD, HR1 1NQ

For: **MR. C.J. MASON, 10 MOUNT CRESCENT, TUPSLEY, HEREFORD, HR1 1NQ**

The Central Divisional Planning Officer clarified that, whilst the application sought to increase the number of minibuses kept at the site from two to three, it was recommended that permission be granted for two minibuses only and subject to permission being personal to the applicant whilst he resided at the property.

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

The Central Divisional Planning Officer advised that concerns about the stability of fencing and about damage to a landscaped area outside the boundaries of the application site were not planning considerations.

Councillor Mrs. M.D. Lloyd-Hayes, a Local Member, noted the considerations outlined in the Officers Appraisal but subsequently expressed concerns about the proposal, particularly regarding potential risks to pedestrian and highway safety.

The Central Divisional Planning Officer advised the Sub-Committee that, whilst the current application had generated five letters of objection, there had been no previous complaints of nuisance during the two year test period of the temporary planning permission [application CE2001/1302/F refers].

Councillor W.J. Walling, also a Local Member, felt that a minibus business in this location was inappropriate and that it should be sited on suitable commercial premises.

A number of other Members spoke against the application. In particular, it was felt that the proposal was an inappropriate business use in a residential area, would be detrimental to highway safety and would cause nuisance from vehicle movements. Therefore, it was proposed that the application be refused as it was considered to be detrimental to highway safety and detrimental to the amenity of neighbouring properties.

The Central Divisional Planning Officer reiterated that the expansion of the business by the introduction of an additional minibus to be kept at the site was considered inappropriate but, as there was a lack of evidence of harm caused during the initial two year test period, permanent use of the site for mixed residential and business purposes was considered acceptable. He added that no objections had been received from the Environment Agency or from internal consultees.

The Chief Development Control Officer commented that it was not unusual to have mixed residential and business uses, that nuisance from vehicle movements could occur from residential uses and that it was not uncommon for fuel to be delivered to residential properties.

As Members were minded to make a decision contrary to Officers' advice, the Principal Lawyer (Planning, Environment and Transport) outlined the Council's Referral Procedure.

RESOLVED:

That (i) the Central Area Planning Sub-Committee is minded to refuse the application, subject to the reasons for

refusal set out below (and any further reasons for refusal felt to be necessary by the Head of Planning Services), provided that the Head of Planning Services does not refer the application to the Planning Committee:

1. The proposal is considered to be detrimental to highway safety;
2. The proposal is considered to be detrimental to the amenity of neighbouring properties.

(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:

1. Under the Council's Referral Procedure, the Chief Development Control Officer advised that, whilst the Sub-Committee wished to make a decision contrary to Officers' advice, he would not refer the application to the Head of Planning Services because there were no crucial policies at stake and given the reasons outlined by Members.)

Ref. 6
HEREFORD
CW2003/1824/F

Resiting of existing solvent store and flocculation plant room at:

EXCELSIOR PLASTICS LTD., WESTFIELDS TRADING ESTATE, HEREFORD, HR4 9NT

For: **GELPACK EXCELSIOR LTD. PER MR. A.W. MORRIS, 20 FERNDAL ROAD, KINGS ACRE, HEREFORD, HR4 0RW**

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

In response to a question from Mrs. P.A. Andrews, a Local Member, the Principal Planning Officer advised that the new acoustic boundary fence would not be more than 2.5m in height as a higher fence could have a detrimental visual impact.

In response to a question from the Chairman, the Principal Planning Officer confirmed that gaps in planting along the adjoining residential boundary would be filled as part of the landscaping scheme.

RESOLVED:

That planning permission be granted subject to the following conditions:

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

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

2. **A07 (Development in accordance with approved plans).**

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

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

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

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

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

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

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

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

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

7. **Notwithstanding the information supplied on the submitted drawings, full details and written specification of the proposed plant equipment to be contained within the approved building shall be submitted to and approved in writing by the local planning authority. Only the details and equipment approved shall be installed within the building which shall not be improved, altered or replaced without the prior written approval of the local planning authority.**

Reason: In the interests of residential amenity and to ensure minimum disturbance to adjoining properties.

Ref. 7
HEREFORD
CW2003/1126/F

Proposed conversion of buildings into 3 no. dwellings at:

HOLMER PARK, OFF ATTWOOD LANE, HEREFORD

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

The Principal Planning Officer advised that the application had been withdrawn by the applicant prior to the start of the meeting.

Ref 8
HEREFORD
CW2003/2039/F

Reconditioning, refurbishment and extension to include a change of use into a public house at:

OLD SCHOOL ROOMS, MORETON-ON-LUGG, HEREFORDSHIRE, HR4 8DE

For: **MRS. J.V. PERKINS, PER MR. J.E. SMITH, PARKWEST, LONGWORTH, LUGWARDINE, HEREFORD, HR1 4DF**

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

Councillor J.G.S. Guthrie, the Local Member, felt that a public house would be a valuable facility within the village. However, concerns were expressed about roadside parking in the village and the need for suitable parking arrangements. In response, the Principal Planning Officer advised that officers would continue to negotiate with the applicant in order to further improve the car park layout and to protect the residential amenities of adjoining properties. It was recommended that conditions be added regarding access and signage.

RESOLVED:

Subject to the receipt of satisfactory amended plans indicating the exact floor area to be used for the public house and a revised car parking layout that officers named in the Scheme of Delegation to Officers be authorised to approve planning permission subject to the following conditions and any other 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 G01 (Details of boundary treatments)

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

3 G04 (Landscaping scheme (general))

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

4 G05 (Implementation of landscaping scheme (general))

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

5 E02 (Restriction on hours of delivery)

Reason: To safeguard the amenities of the locality.

6 F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities.

7 F35 (Details of shields to prevent light pollution)

Reason: To minimise light overspill and to protect the amenity of neighbouring properties.

8 F38 (Details of flues or extractors)

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

9 F39 (Scheme of refuse storage)

Reason: In the interests of amenity.

10 H03 (Visibility splays)

Reason: In the interests of highway safety.

11 H05 (Access gates)

Reason: In the interests of highway safety.

12 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.

13 H23 (Canopies/signs/projections over the highway)

Reason: In the interests of highway safety.

14 H26 (Access location)

Reason: In the interests of highway safety.

15 H27 (Parking for site operatives)

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

16 H29 (Secure cycle parking provision)

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

17 Prior to the commencement of the development details of car parking signage including signs indicating the one way system for entry and access shall be submitted to and approved in writing by the local planning authority. The appropriate signs shall be in place prior to the commencement of the use hereby approved.

Reason: In the interests of highway safety.

Notes to Applicant:

- 1 HN01 - Mud on highway**
- 2 HN05 - Works within the highway**
- 3 HN10 - No drainage to discharge to highway**
- 4 HN19 - Disabled needs**
- 5 N08 - Advertisements**
- 6 N04 - Rights of way**

ITEM FOR INFORMATION - APPEALS**APPEALS RECEIVED**

None.

APPEALS DETERMINED**Application No. CW2002/3326/F**

- The appeal was received on 4th June, 2003.
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal was brought by Mr. and Mrs. D.A. Ashcroft.
- The site is located at Amberley Workshop, land adjacent to Amberley Arms, Marden, Herefordshire HR1 3BS.
- The application, dated 11th November, 2002, was refused on 19th March, 2003.
- The development proposed was Change of use and conversion of Amberley Workshop to disabled residential property (including dormer windows and balcony) for Mr. and Mrs. D. A. Ashcroft.
- The main issue is the likely impact of this development on the rural character of this area.

Decision: The appeal was **Dismissed** on 3rd September, 2003

Case Officer: Miss Helen Brown on 01432 261947

Application No. CW2002/3709/O

- The appeal was received on 19th May, 2003.
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal was brought by Mr. D.A. Berry.
- The site is located at Between Barbury & Raynards Chase, Coldwells Road, Munstone, Hereford.
- The application, dated 6th December, 2003, was refused on 5th March, 2003.
- The development proposed was Site for a four bedroom dwelling.
- The main issue is the effect of the proposed development on the character and appearance of the countryside, within the context of rural housing policy.

Decision: The appeal was **Dismissed** on 15th September, 2003

Case Officer: Miss Helen Brown on 01432 261947

APPLICATIONS DETERMINED

BY THE SECRETARY OF STATE IN PURSUANCE OF SECTION 77 OF THE TOWN AND COUNTRY PLANNING ACT 1990

The Secretary of State is minded to grant planning permission for the regeneration of redundant farm buildings, and construction of new buildings for the creation of the Herefordshire Food and Drink Centre, comprising new build of 30 workshops, 4 "Border Oak" live/work units and 4 "Humble Toft" live/work units, and the conversion of existing buildings to provide "workshop space, resource centre, show case, exhibiton centre and auditorium, museum, brewery shop, shop, café, WCs, reception and tourist information, and open area events concourse" (application ref: CE01/0130/F dated 18 January, 2001), and outline planning permission for a public house in accordance with application Ref CE01/2864/O dated 2 October, 2001 subject to conditions.

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

REF. NO.	APPLICANT	PROPOSAL AND SITE	APPLICATION NO.	PAGE NO.
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SITE VISIT

1	Mason Richards Partnership	Demolition of former supermarket and erection of 35 detached, semi-detached and terraced houses and flats, to include associated access roads, landscaping and open space and one village convenience shop unit at Former GP Stores Supermarket, Withies Road, Withington, Hereford	CE2003/1309/F	19 - 28
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APPLICATIONS RECEIVED

2	Mrs. D.A. Hopkilns	Erection of 1.2m fence at 62 College Green, Hereford, HR1 1HP	CE2003/2431/F	29 - 32
3	Mr. D. Mowbray	Retrospective application for timber conservatory at Minton House, Veldo Lane, Withington, Herefordshire, HR1 3QA	CE2003/2148/F	33 - 36
4	Hutchison 3G UK	15m Dynamic concepts tampered timber monopole solution, incorporating 3 antennae and two transmission dishes and associated cabinet equipment at Tupsley Court, Hampton Dene Road, Hereford, HR1 1UX	CE2003/2466/T	37 - 42
5	Mr. G. Porter	Erection of one bungalow, one dormer bungalow and garages at Marden Service Station, Marden, Hereford, HR1 3DN	CW2003/2279/F	43 - 48

1 CE2003/1309/F - DEMOLITION OF FORMER SUPERMARKET AND ERECTION OF 35 DETACHED, SEMI-DETACHED AND TERRACED HOUSES AND FLATS, TO INCLUDE ASSOCIATED ACCESS ROADS, LANDSCAPING AND OPEN SPACE AND ONE VILLAGE CONVENIENCE SHOP UNIT. FORMER GP STORES SUPERMARKET, WITHIES ROAD, WITHINGTON, HEREFORD

For: Mason Richards Partnership, Salisbury House, 2A Tettenhall Road, Wolverhampton, West Midlands, WV1 4SG

Date Received: 1st May 2003

Ward: Hagley

Grid Ref: 56270, 43029

Expiry Date: 26th June 2003

Local Member: Councillor R.M. Wilson

1. Site Description and Proposal

- 1.1 The 1.1ha application site is located within the Withington Settlement as defined in the South Herefordshire District Local Plan. It comprises the site of a former supermarket fronting Withies Road and a short section of Springfield Road. It is surrounded on three sides by established residential development.
- 1.2 The proposal is to demolish the existing buildings and areas of hardstanding and erect 35 residential units, a local shop with flat and an area of public open space including an equipped toddlers play area. The residential units would comprise detached and semi-detached houses and two storey flats, giving a mix of 1, 2, 3 and 4 bedrooms. Thirty-six percent of the units would be affordable, to be provided through a Registered Social Landlord. The public open space would cover approximately 0.2ha fronting Withies Road. The shop unit would also front Withies Road with sales area of 100 sq m and small car park. Two vehicular accesses would be formed from Withies Close (approximately in the positions of the existing supermarket accesses), and a right of way to Springfield Road would be retained.

2. Policies

2.1 Hereford and Worcester County Structure Plan:

H2B	-	Housing Requirements
H2C	-	Housing Requirements
H16A	-	Housing in Rural Areas
H18	-	Housing in Rural Areas Outside the Green Belt

2.2 South Herefordshire District Local Plan:

GD1	-	General Development Criteria
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C2	-	Settlement Boundaries
SH6	-	Housing Development in Larger Villages
SH8	-	New Housing Development Criteria in Larger Villages
SH9	-	Balance of Housing Types
SH13	-	Affordable Housing in/adjacent to Settlements
SH14	-	Siting and Design of Buildings
SH22	-	Public Open Space in Residential Areas
CF2	-	Provision of Facilities for Health and Social Services
CF5	-	Provision of Community Buildings
TIA	-	Environmental Sustainability and Transport
RT4	-	Provision of New Village Shops
RT5	-	Retention of Village Shops

2.3 Herefordshire UDP (Deposit Draft):

S1	-	Sustainable Development
S2	-	Development Requirements
S3	-	Housing
S5	-	Town Centres and Retail
S6	-	Transport
S8	-	Recreation, Sport and Tourism
DR1	-	Design
DR2	-	Land Use and Activity
DR5	-	Planning Obligations
H4	-	Main Villages : Settlement Boundaries
H9	-	Affordable Housing
H19	-	Open Space Requirements
TCR14	-	Village Commercial Facilities
RST3	-	Standards for Outdoor Playing and Public Open Space
RST5	-	New Open Space in/adjacent to Settlements

3. Planning History

- 3.1 SC980465PF - Erection of 1.2m satellite dish. Approved 16th September, 1998.
- 3.2 SH980031PO - Residential development of 24 dwellings and village shop with living accommodation. Refused 4th March, 1998.

4. Consultation Summary

- 4.1 Dwr Cymru Welsh Water: The proposed development would overload the existing public sewerage system. No improvements are planned within Dwr Cymru Welsh Water's Capital Investment Programme. Therefore consider any development prior to improvements being undertaken to be premature, and so object to the development. It may be possible for the developer to fund the accelerated provision of replacement infrastructure or to requisite a new sewer under Sections 98-101 of the Water Industry Act 1991.
- 4.2 Responses by internal consultees that raise material planning issues are summarised and considered in the Officers Appraisal.

5. Representations

5.1 Withington Parish Council: Objects to plans but notes that some issues, particularly in respect of parking provision and operations, have been addressed. The reasons for objection are:

1. The loss of the larger willow tree at Plot 1. There is no evidence of decay and no serious damage at the base. The tree is in full leaf and provides a pleasant view from along Withies Road approaching from the west. No arboricultural evidence has been provided to the Parish Council to support the claim that the tree 'may' die in the future.
2. Parking spaces for Plots 14/15 are unclear as to position and number.
3. House type G is three storey and Plots 6, 7 and 8 directly overlook houses/gardens in Withies Close. Cross sections of the development with the existing houses should be provided to illustrate that there is no serious impact in terms of privacy and overlooking.
4. The size of the proposed shop is now acceptable. However the parking spaces are unsuitable and any off road parking should be designed to allow for vehicles to enter and leave in a forward direction, as provided in the residential parking courts. The location of the unit close to the junction with Withies Road and the first junction on the development is potentially a traffic hazard as car borne shoppers will have to reverse into the junction or directly onto the new estate road. In order to reduce the level amount of manoeuvring the WPC considers that the existing access through to Springfield Road should be formally developed as a through route with a one way system being introduced for the short section currently shown as 'casual' parking spaces.
5. There is no information in respect of any negotiated community facilities or contributions to open space provision, education etc as requested in the observations on the first submission. The WPC has requested that the provision of a doctors surgery be sought and has no feed back from any negotiations. It is understood that a facility would be supported by an existing 'Hereford' surgery but funding is not available.
6. The WPC understands that the existing Post Office/shop could relocate to the new store. This must be a prerequisite of any planning permission as it is considered that the village cannot support two units and without a retail element the Post Office is unlikely to survive.

5.2 Eleven letters of representation have been received from Inglenook Cottage, Duke Street; Holly Tree Cottage, Duke Street; Romani, Duke Street; Springfield PO & Stores; 66 Withies Close; The Green, Withington (x 2); Timberlaine, Withies Road, 12 Willowfields; 72 Withies Close; and Withington Primary School, summarised as follows:

- right of way to Springfield should be restricted to pathway;
- additional car parking should be provided for shop;
- toddlers play space is badly located;
- financial contribution should be made to shop;

- access needs to be maintained to boundaries for maintenance and appropriate fences erected;
- hedge on boundary with Withies Road should be retained;
- willow tree on frontage should be retained;
- more development should not 'fund' playing fields;
- insufficient number of accesses into site;
- Post Office must be maintained in Withington;
- no need for large houses;
- too many cul-de-sac;
- too many 'social houses';
- should incorporate doctor's surgery;
- support for application;
- works should not undermine retaining walls on boundary.

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

6. Officers Appraisal

6.1 The main issues in this case are the principle of residential development, and if this is established, the impact of the specific proposal on amenity, highway safety and general infrastructure (including the foul water systems, open space and local education facilities).

6.2 The Principle of Residential Development

The application site lies within the defined Withington Larger Village where Policy SH6 of the Local Plan allows new residential development as a matter of principle, subject to criteria. The site is presently unoccupied although the established use is a retail facility. Policy RT5 resists change of use from a retail use in rural settlements where this would result in the loss of the last remaining retail facility.

6.3 In view of Policy RT5, the applicant has provided a retail capacity study and a brief summary of the recent history of the site. The history indicates that one of the last occupiers ceased trading in view of increased competition from other stores and an insufficient population base in the immediate area to support such a large retail facility. Notwithstanding considerable direct marketing, no interest has been shown by any other retailer to take on the unit(s). Having regard to these circumstances loss of the existing large retail unit(s) is considered acceptable in this instance. The existing small Post Office and convenience store in Springfield Road (adjacent to the site) would continue as the last remaining retail facility in the village in accordance with Policy RT5.

6.4 To retain the community benefit provided by the existing retail unit(s) the applicant proposes to erect a new convenience store on the site of some 100 sq m, to include a two bedroom manager's flat. This is supported being in accordance with Policy RT4 of the Local Plan which encourages new village shops in appropriate locations such as this. Competition between shops would not amount to a sustainable reason for refusing planning permission although as a gesture of good will the applicant would give first refusal for the store to the owner/occupier of the existing post officer/convenience store.

6.5 Having regard to the recent history of the site (and, in particular, the period it has now been vacant), the limited population base in Withington to support large scale retail facilities, and the proposal to erect a convenience store as part of the overall scheme, it is considered that an objection based on the loss of the existing retail facilities could not be sustained. In the event of permission being given, conditions would be required to ensure erection of the new convenience store.

6.6 Redevelopment for mainly residential purposes is considered appropriate in this instance having regard to the residential character of the surroundings and the site's location within the village boundary. The proposal is considered to comply with Policy SH6 as a matter of principle.

6.7 Layout and Mix

Policy SH8 sets out detailed criteria for residential development in the larger villages requiring it to be, in particular, of a scale to complement the size, scale and character of the location, and located where additional traffic can be accommodated and adequate services exist. Policy SH9 requires a reasonable mix and balance of house types and sizes, and affordable housing to be provided where appropriate.

6.8 The proposal is for a mixed development of one, two, three and four bedroom houses and flats. The mix is considered to be appropriate and in accordance with Policy SH9. At the front of the site the houses would be arranged around a 'village green' with the shop unit to one side. This is considered to be an appropriate and attractive layout which is in-keeping with the general character of this part of Withington. There are no highway safety issues.

6.9 Some existing trees would be removed from the site including the willow referred to in the Parish Council's representation. Although an attractive tree, its removal is considered necessary to facilitate the layout, and replacement trees would be provided as part of a comprehensive landscaping scheme. For these reasons loss of the tree is not considered to amount to a reason for resisting development.

6.10 Regarding relationships with established development, adequate margins are proposed between houses to ensure no adverse impacts or loss of privacy. Units 6-10 have been reduced from three stories to two stories to minimise their impact on Withies Close and achieve a satisfactory street scene. Adequate and convenient parking is available for each unit, in accordance with sustainable development principles. The shop unit would be provided with six exclusive parking spaces with a further four spaces opposite. The arrangement of these parking areas is considered safe and workable, in accordance with highway standards.

6.11 The on site arrangement of the houses is also considered acceptable with adequate privacy margins for the occupiers. The density is considered satisfactory for the location and in accordance with PPG3 guidance.

6.12 Affordable Housing

Twelve of the houses would comprise affordable units, this being 36% of the total in accordance with Policy SH9 and the Affordable Housing Supplementary Planning Guidance. Notwithstanding third party concerns that there are too many affordable units in Withington, the proposal accords with policy and Central Government Circular advice which expects all suitable sites to make a contribution to affordable housing

supply. A planning obligation would be necessary to control the phasing of the provision.

6.13 Public Open Space

Policy R3A of the Local Plan requires adequate amenity open space and an equipped and fenced children's play area to be provided with developments over 30 dwellings. The proposal includes these facilities, together with a commitment for commuted payments for their future maintenance. Additionally, the applicant has agreed to contribute £30,000 towards off-site recreational facilities, and specifically towards the cost of playing fields at the nearby village hall. Play equipment would be provided on site to the value of £8,250.

6.14 Infrastructure Issues

An objection has been raised to the development by Dwr Cymru Welsh Water in view of capacity problems with the public sewerage system. Welsh Water considers that the objection may be surmountable if the applicant can fund the accelerated provision of replacement infrastructure or requisition of new sewer under Sections 98 – 101 of the Water Industry Act 1991. These options are being pursued by the applicant, and in the meantime the recommendation is to approve although subject to the sewerage system capacity problems being satisfactorily resolved.

6.15 Other Issues

In accordance with future Policy DR5 of the UDP, the applicant has agreed to a planning obligation covering matters relating to the provision of affordable housing through a Registered Social Landlord, on-site provision of children's play equipment and open space together with their future maintenance, a financial contribution towards local education provision, and a financial contribution towards off-site recreation provision. A number of objectors consider that the applicant should also provide a doctor's surgery. This is, however, considered to be unreasonable having regard to the relatively small size of the development, the commitments already made and Circular advice in respect of Planning Obligations.

6.16 Conclusion

This proposal represents a well designed housing scheme which would make an important contribution to Withington's character through its mixed form and community benefits (namely public open space, a new village shop and contributions towards education and off-site recreation provision). For these reasons approval is recommended subject to the drainage issue being resolved and the applicant entering into a Section 106 Agreement.

RECOMMENDATION

- 1. That subject to the satisfactory resolution of the objection from Dwr Cymru Welsh Water the County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act requiring the applicant to:**

- (i) Provide twelve on-site affordable housing units through a Registered Social Landlord;**

- (ii) Contribute £23,000 towards education provision in the local area;
- (iii) Provide public open space and toddlers play equipment or finance for the same to the value of £23,565;
- (iv) Contribute £30,000 towards off-site recreation provision;

And deal with any other appropriate and incidental terms, matters or issues.

2. Upon completion of the aforementioned obligation Officers named in the Scheme of Delegation to Officers be authorised to grant planning permission subject to the following conditions and any other conditions considered necessary by Officers:

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

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

- 2 A07 (Development in accordance with approved plans)

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

- 3 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 more than 50% of the open market dwellings shall be occupied prior to the completion and sale to a Registered Social Landlord of the affordable housing.

Reason: To ensure satisfactory phasing and completion of the development in accordance with the approved scheme.

- 6 No more than 50% of the open market dwellings shall be occupied prior to the completion of the convenience store/two bedroom flat.

Reason: To ensure satisfactory phasing and completion of the development in accordance with the approved scheme.

- 7 The convenience store element of the convenience store/two bedroom flat shall be used for purposes falling within Class A1 of the Town and Country Planning Use Classes Order only and for no other purpose.

Reason: To ensure a satisfactory form of development in accordance with the agreed scheme.

8 F20 (Scheme of surface water drainage)

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

9 D03 (Site observation - archaeology)

Reason: To allow the potential archaeological interest of the site to be investigated and recorded.

10 F41 (No burning of materials/substances during construction phase)

Reason: To safeguard residential amenity and prevent pollution.

11 G01 (Details of boundary treatments)

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

12 G02 (Landscaping scheme (housing development))

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

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

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

14 G06 (Scope of landscaping scheme)

Reason: In order that the local planning authority may be satisfied that the deposited scheme will meet their requirements.

15 (a) No development shall commence on site until full details of the layout, equipment and landscaping of the 'public open space' and 'equipped toddler play area' have been submitted to and approved in writing by the local planning authority.

(b) The 'public open space' and 'equipped toddler area' shall be provided and equipped for use prior to the occupation of the 18th dwelling in accordance with the approved scheme.

Reason: To ensure a satisfactory and well planned development in accordance with an agreed scheme.

16 Before any other operations are commenced, the proposed vehicular accesses from the site to Withies Road shall be constructed and thereafter maintained as shown on the application drawings. The vehicular accesses shall be constructed so that there is clear visibility from a point 0.6m above the level of the adjoining carriageway at the centre of the accesses and 4.5m back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 33m in each direction along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the

triangular area of land so formed which would obstruct the visibility described above.

Reason: In the interests of highway safety.

17 H08 (Access closure)

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

18 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.

19 H18 (On site roads - submission of details)

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.

20 H20 (Road completion in 2 years or 75% of development)

Reason: In the interests of highway safety and convenience and a well co-ordinated development.

21 H29 (Secure cycle parking provision)

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

Notes to Applicant:

- 1 HN01 - Mud on highway**
- 2 HN04 - Private apparatus within highway**
- 3 HN05 - Works within the highway**
- 4 HN08 - Section 38 Agreement details**
- 5 HN19 - Disabled needs**
- 6 HN21 - Extraordinary maintenance**
- 7 N01 - Access for all**
- 8 N02 - Section 106 Obligation**
- 9 N03 - Adjoining property rights**
- 10 N04 - Rights of way**
- 11 N13 - Control of demolition - Building Act 1984**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

2 CE2003/2431/F - ERECTION OF 1.2M FENCE. 62 COLLEGE GREEN, HEREFORD, HEREFORDSHIRE, HR1 1HP**For: Mrs. D.A. Hopkilns, 62 College Green, Hereford, HR1 1HP****Date Received: 8th August 2003****Ward: Aylestone****Grid Ref: 51220, 41398****Expiry Date: 3rd October 2003**

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

1. Site Description and Proposal

1.1 No. 62 College Green is situated in an Established Residential Area on the north side of College Green. It comprises a semi-detached house with garden to the side and rear and driveway to the front. Due to changing ground levels, No. 62 is positioned at a higher level than its neighbour, No. 64, with a retaining structure approximately 1.0m in height between the two properties to their sides and rear. On No. 64's side of this retaining structure to the sides and front of the properties is a panel fence, approximately 0.9m in height. To the rear of the properties (atop the retaining structure) is an approximately 1.8m high close-boarded fence.

1.2 The proposal is to erect a 1.2m high wattle fence on the common boundary between No. 62 and No. 64 (positioned just inside No. 62). The fence would run between the existing close-boarded fence to the rear of the houses and the boundary with the highway at the front of the houses, this requiring a step down where the retaining structure ends. Total length of the fence would be approximately 12.7m.

2. Policies

2.1 Hereford Local Plan:

H12 - Established Residential Area

2.2 Herefordshire UDP (Deposit Draft):

S2 - Development Requirements

3. Planning History

3.1 There is no relevant planning history.

4. Consultation Summary

4.1 There are no statutory or non-statutory consultations required.

4.2 Responses by internal consultees that raise material planning issues are summarised and considered in the Officer's Appraisal.

5. Representations

5.1 One letter of objection has been received from Mr & Mrs Prince of 64 College Green summarised as follows:

- fence will block out light to side door/window;
- fence will be on top of artificially raised ground.

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

6. Officers Appraisal

6.1 The main issue in this case is the impact of the proposed fence on the residential amenities of the adjoining house, No. 64 College Green.

6.2 In normal circumstances a fence may be erected between two private properties up to a height of 2m without the need for planning permission from the local planning authority (referred to a 'permitted development'). This measurement is taken from original ground level. Where land has been raised or lowered the measurement is still taken from original ground level and not the artificially created level.

6.3 In this case it is not entirely clear where original ground level is on the boundary between the two properties although there is evidence to suggest that the side garden of No. 62 has been raised by approximately 1.0m. Assuming this to be the case then the proposed 1.2m fence standing atop the raised structure would result in an overall increase of 2.2m over original ground level. For this reason the proposed 1.2m high fence requires planning permission.

6.4 When viewed from the adjoining house, No. 64, the fence and raised retaining structure would have an overall height of 2.2m. The fence and structure would run close to the boundary to the side and a large part of the front section of the common boundary. Notwithstanding this, it is not considered that the structure would be so overbearing or unneighbourly to warrant a refusal decision, particularly as a 2m high structure could be erected without the need for a planning application. The fence would have an impact on light levels to the door and window in the side elevation of No. 64. However, a degree of overshadowing would normally be expected in residential situations such as this where houses are positioned side by side, and consequently this is not considered to amount to a sustainable reason for refusing planning permission.

6.5 A condition is recommended requiring the fence to stop at the point ground level drops down from the artificially raised side garden to the front parking area.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

2 The fence hereby approved shall not exceed 1.2m high in height.

Reason: To safeguard the amenities of the neighbouring property.

3 The fence hereby approved shall be positioned immediately adjacent to the common side boundary with No. 64 College Green, and shall run between the existing close-boarded fence to the rear of the properties and the furthest extent of the artificially riased side garden only.

Reason: To safeguard the amenities of the neighbouring property.

Notes to Applicant:

1 N03 - Adjoining property rights

2 N14 - Party Wall Act 1996

3 This decision does not give authority for any fencing to be erected on that section of the common side boundary to the rear of the 'low level' parking area. The provision of the Town and Country Planning (General Permitted Development) Order remain unaffected and applicable to this section

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

3 CE2003/2148/F - RETENTION OF TIMBER CONSERVATORY. MINTON HOUSE, WITHINGTON, HEREFORD, HEREFORDSHIRE, HR1 3QA

For: Mr. D. Mowbray per Mr. J. Malone, The Studio, Unit 9, Holme Lacy Ind. Estate, Holme Lacy Road, Hereford, HR2 6DR

Date Received: 16th July, 2003

Ward: Hagley

Grid Ref: 56389, 43430

Expiry Date: 10th September, 2003

Local Member: Councillor R.M. Wilson

1. Site Description and Proposal

- 1.1 The application site comprises a recently constructed linked detached house positioned within the Withington Settlement and Conservation Area, although adjacent to open countryside. Ground level falls away to the north of the site with distant views possible of the house and adjoining houses from Duke Street.
- 1.2 The application is for retrospective planning permission for a conservatory addition to the rear of the house. The conservatory measures 6.5m across with rear projection of 4.7m and maximum height of 3.2m. It is of timber construction painted cream. The application has been made following an enforcement investigation.

2. Policies

2.1 Hereford and Worcester County Structure Plan:

CTC15 - Conservation Areas

2.2 South Herefordshire District Local Plan:

GD1 - General Development Criteria
 C20 - Protection of Historic Heritage
 C23 - New Development Affecting Conservation Areas
 SH23 - Extensions to Dwellings

2.3 Herefordshire UDP (Deposit Draft):

DR1 - Design
 H18 - Alterations and Extensions
 HBA6 - New Development Within Conservation Areas

3. Planning History

- 3.1 SH931447PF & SH931448LE - Demolition of existing village hall and erection of two residential dwellings. Approved 14th January, 1994.

- 3.2 SC990169PF & SC990170LE - Demolish existing village hall and replace with 2 no. four bedroom dwellings. Approved 9th April, 1999.

4. Consultation Summary

- 4.1 No statutory or non-statutory consultations required.
- 4.2 Responses by internal consultees that raise material planning issues are summarised and considered in the Officers Appraisal.

5. Representations

- 5.1 Withington Parish Council: Objects to the proposal in that it fails to preserve or enhance the character of the Conservation Area. In addition, the conservatory detracts from the character of the dwelling and its linked neighbouring dwelling, extending halfway across the link garages. Any reduced scheme should be of a material wood finish rather than being painted white.
- 5.2 There are no third party representations.
- 5.3 The full text of the Parish Council's objection can be inspected at Central Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The main issues in this case are the impact of the conservatory on the character and appearance of the Conservation Area and existing houses, and the amenities of neighbouring residents.
- 6.2 Policy SH23 of the Local Plan allows extensions to dwellinghouses provided they are, in particular, in keeping with the character of the existing dwelling in terms of mass, scale, design and materials, and the existing dwelling remains the dominant feature in any resulting scheme. Policy C23 relates specifically to Conservation Areas and requires new development to preserve or enhance the character and appearance of these areas.
- 6.3 In this case the basic proportions of the conservatory are considered to be in-keeping with the mass and scale of the original house, with the original house remaining the dominant 'part'. The conservatory is constructed from traditional materials with a traditional design, again appropriate in relation to the design of the original house and Conservation Area setting. It is not considered that the design and appearance of the conservatory detracts from the appearance of the house or Conservation Area.
- 6.4 Distant views of the conservatory are possible from Duke Street. However, as the conservatory is 'read' against existing buildings and is only visible at a considerable distance, no adverse harm has been caused to general amenity. The applicants have stated that they would not object to changing the colour of the conservatory. However, the present cream colour matches the colour of the existing doors and windows, and as the conservatory is considered acceptable in all other respects, no objection is seen to this colour.

6.5 The conservatory is positioned close to the common boundary with the neighbouring new houses. However, its light roof structure and limited rear projection will ensure no adverse or unneighbourly relationship.

RECOMMENDATION

That planning permission be granted subject to the following condition:

1 A06 (Development in accordance with approved plans)

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

4 CE2003/2466/T - 15M DYNAMIC CONCEPTS TAMPERED TIMBER MONOPOLE SOLUTION, INCORPORATING 3 ANTENNAE AND TWO TRANSMISSION DISHES AND ASSOCIATED CABINET EQUIPMENT. TUPSLEY COURT, HAMPTON DENE ROAD, HEREFORD, HEREFORDSHIRE, HR1 1UX

For: Hutchison 3G UK, White Young Green, Ropemaker Court, 12 Lower Park Row, Bristol, BS1 5BN

Date Received: 13th August 2003

Ward: Backbury

Grid Ref: 53519, 40064

Expiry Date: 7th October 2003

Local Member: Councillor Mrs. J.E. Pemberton

1. Site Description and Proposal

- 1.1 The site being considered under the provisions of the Town and Country (General Permitted Development) Order is positioned on slightly raised ground within a paddock to the east of Hampton Dene, Hampton Dene Road and to the south of Tupsley Court, Hampton Dene Road. The boundaries of the paddock in the vicinity of the site are defined by gappy hedging and existing trees ranging from approximately 5m to 7m in height. Distant glimpsed views of the site are possible primarily from land to the east and south. The site itself is defined as Open Countryside in the South Herefordshire District Local Plan, and is 130m to the east of the Hereford City Established Residential Area.
- 1.2 The proposal is to erect a 12.5m high timber monopole mast with three antennas and two dishes attached (overall height: 15m) and associated equipment cabins, all contained within a fenced compound. Siting would be to the side of the paddock, adjacent to the existing trees and a pond.
- 1.3 The proposal comprises 'permitted development', although under the provisions of the Town and Country Planning (General Permitted Development) Order the applicant is required to apply to the local planning authority for a determination as to whether the prior approval of the authority is required to the siting and appearance of the proposal. The authority is required to issue its determination and ultimate decision within 56 days from the date of receipt of the application for determination. If after the 56 days the local planning authority has not notified the applicant of its determination and decision then the development may in any event begin. In this case prior approval of siting and appearance is required.

2. Policies

2.1 Hereford and Worcester County Structure Plan:

- | | | |
|------|---|--------------------------|
| CTC6 | - | Landscape Features |
| CTC9 | - | Development Requirements |

2.2 South Herefordshire District Local Plan:

GD1	-	General Development Criteria
C1	-	Development Within Open Countryside
C9	-	Landscape Features
C16	-	Protection of Species
C41	-	Telecommunications Development
C42	-	Criteria to Guide Telecommunications Development

2.3 Herefordshire UDP (Deposit Draft):

S2	-	Development Requirements
LA2	-	Landscape Character and Areas Least Resilient to Change
NC1	-	Nature Conservation and Development
NC5	-	European and Nationally Protected Species
CF3	-	Telecommunications

2.4 Planning Policy Guidance:

PPG8	-	Telecommunication
PPG9	-	Nature Conservation

3. Planning History

3.1 There is no relevant planning history.

4. Consultation Summary

4.1 There are no statutory or non-statutory consultations required.

4.2 Responses by internal consultees that raise material planning issues are summarised and considered in the Officers Appraisal.

5. Representations

5.1 Hereford City Council: No response received.

5.2 Six objection letters have been received from 10, 16, 47 and 63 Hampton Dene Road, Meadow Cottage, Hampton Dene Road and 6 Aylestone Drive, Hereford; and a petition of 16 signatures has also been received on behalf of the residents of Hampton Dene Road summarised as follows:

- visually intrusive and detrimental to skyline views;
- harmful to health and welfare of nearby residents and children at three nearby schools;
- interference to TV reception;
- insufficient demand for telecommunication services to justify development;
- detrimental to nearby badger setts and badgers;
- reduce property values.

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

6. Officers Appraisal

6.1 Under the Town and Country Planning (General Permitted Development) Order procedures a determination has been made that prior approval of the siting and appearance of the proposed development is required in this case.

6.2 The main issues to be considered are the principle of the development, and if acceptable, the impact on visual and residential amenity, wildlife interests and the health and well-being of nearby residents and children.

6.3 The Principle of Telecommunications Development

Central Government planning guidance set out in PPG8 states that it is the Government's policy to facilitate the growth of new and existing telecommunications systems whilst keeping the environmental impact to a minimum. The guidance encourages local planning authorities to respond positively to telecommunications development proposals whilst having regard to other policies and guidances for the protection of urban and rural areas.

6.4 Policy C41 of the South Herefordshire District Local Plan states that support will be given to the long term economic, social and environmental benefits of developing telecommunications and that decisions will be made in the context of current Central Government advice. Similar supporting text is contained within the Hereford Local Plan.

6.5 Having regard to the positive emphasis set out in both central and local planning policy it is considered that an objection in principle to the proposal could not be sustained. With specific regard to the question of need PPG8 advises that authorities should not question this, nor prevent competition between different operators.

6.6 Impact on Visual and Residential Amenity

PPG8 advises that Central Government places great emphasis on its well established policies for the protection of the countryside and urban areas. Protection from visual intrusion and the implication for subsequent network development are important considerations in determining applications.

6.7 Policy C42 of the Local Plan sets out criteria to be taken into account including consideration of the specific requirements of the development, the siting and external appearance of the apparatus (including landscaping), the availability of other sites, and the dual use of existing installations where operationally possible.

6.8 Having regard to the criteria the applicant has supplied technical evidence, including coverage simulation, which demonstrates the need for the apparatus and the 'gap' in the operators coverage in this area. In pure technical terms this amounts to evidence of need for apparatus in this location. The applicant has also provided details of alternative sites considered during pre-application surveys. These are the Bishop of Hereford Bluecoat School (ruled out due to unwilling landowner), The Cock of Tupsley Public House (insufficient screening), Herefordshire Council Offices, Brockington (unwilling landowner) and Quarry Playing Fields (unduly prominent). The site forming the application was chosen by the applicant in view of its technical suitability, availability and, according to the applicant, its limited impact on amenity.

- 6.9 In terms of its visual impact the site is positioned on rising land, although adjacent to a group of tall trees. The mast itself is a slender, monopole design, and this, taken with the tree setting, would ensure limited visual impact and minimal intrusion on the skyline. Views from public vantage points are at considerable distances which would, again, minimise intrusion.
- 6.10 The nearest dwellings are Hampton Dene, Appleyards and Watership Down which are approximately 75m away from the site (although Hampton Dene's garden ends approximately 20m from the site), and these distances, together with intervening trees and plants, are considered sufficient to ensure no loss of privacy or undue intrusion. Meadow Cottage is some 130m away and other properties in Hampton Dene Road approximately 140m away with intervening screen planting.
- 6.11 Having regard to the limited impact on amenity resulting from this site and the demonstrated constraints affecting the applicant, the proposal for a monopole is considered acceptable and in accordance with Policy C42.

6.12 Impact on Wildlife

The site is located within 30m of a badger sett. It is also in an area potentially occupied by bats and newts – both European and protected species. Policy C16 of the Local Plan requires due regard to be paid to the specific requirements of statutorily protected species and their habitats.

- 6.13 With regard to the badgers, the sett is positioned on adjoining land approximately 20m from the actual site. The site itself is not on a sett and consequently the sett and the badgers are not likely to be adversely affected by its operation. A license (covering matters including times of work and methods of construction) is required from English Nature to carry out operations within 30m of a badgers sett, and the applicant's attention would be drawn to this in the event of no objection being raised.
- 6.14 Regarding bats and newts, it is not known whether these species are at the site although conditions indicate that they may be. There are three 'tests' set out in the Habitat's Directive to be taken into account as follows:
- (i) There should be no satisfactory alternatives – the question of alternative sites has been addressed at paragraph 6.8 above. This site is considered to be the most appropriate having regard to amenity, technical and land availability considerations.
 - (ii) The impact of the proposal should not be detrimental to the maintenance of the populations of the species concerned at a favourable conservation status within their natural range – with regard to bats, the development would not adversely affect this species being limited in size, and not resulting in the loss of potential roosts. There is no evidence to suggest that bats are adversely affected by radio signals from telecommunications apparatus. With regard to newts, the site is adjacent to a pond which may contain newts. Newts may also use the site to hibernate. However, in view of the limited size of the site and the general openness of the surroundings (where there are, in any event, preferable hibernation places), it is not considered that the development would adversely affect this species or its habitat.
 - (iii) The proposal should be in the interest of public health and safety, or for the imperative reasons of overriding public interest, including those of social or

economic nature and beneficial consequences of primary importance for the environment – the importance of good telecommunications has already been emphasised. PPG8 states “modern telecommunications are an essential and beneficial element in the life of the local community and in the national economy....New communications technology has spread rapidly to meet the growing demand for better communications at work and at home, in business, in public services and in support of electronic commerce”. Having regard to these acknowledged benefits it is considered that this test is satisfied.

For these reasons it is considered that the tests in relation to the Habitats Directive are met and that no adverse harm would be caused to the protected species that may occupy the site and surroundings. A license would be required from DEFRA to carry out operations in the vicinity of European Protected Species, if present, covering matters such as times of working and methods.

6.15 Health Considerations

PPG8 states that Central Government has the responsibility for protecting public health. More specifically the PPG states the following:

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

However, it is the Government’s firm view that the planning system is not the place for determining health safeguards. It remains central Government’s responsibility to decide what measures are necessary to protect public health. In the Government’s view, if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a local planning authority, in processing an application for planning permission or prior approval, to consider the health aspects and concerns about them.

All new mobile phone base stations are expected to meet the ICNIRP guidelines. However, all applicants should include with the applications, a statement that self-certifies to the effect that the mobile phone base station when operational will meet the guidelines. In line with the Group’s recommendations the mobile phone network operator should also provide to the local authority a statement for each site indicating its location, the height of the antenna, the frequency and modulation characteristics, and details of power output. Where a mobile phone base station is added to an existing mast or site, the operator should confirm that the cumulative exposure will not exceed the ICNIRP guidelines.”

6.16 In accordance with the PPG, the applicant has submitted a ‘Declaration of Conformity with ICNIRP Public Exposure Guidelines’, which confirms conformity with the safety guidelines. This is attached as an annex to this item. In accordance with other guidance in PPG8 the applicant has also consulted local schools.

6.17 Radio Interference

With regard to radio interference, PPG8 states that all users of radio equipment are required by the terms of the wireless telegraphy legislation to avoid creating undue radio interference with other radio users, including domestic television sets, and their

equipment must be designed to minimise it. The PPG concludes, "in most situations, therefore, questions of potential interference are of no relevance to the determination of planning applications for the masts or antennas needed to operate a transmitter. Other controls will generally be available to deal with radio interference problems".

RECOMMENDATION

That approval be given subject to the further conditions set out in Part 24 of the Town and Country Planning (General Permitted Development) Order and the following informative notes:

Notes to Applicant:

- 1 The applicant's attention is drawn to a badger sett located within 30m of the site. Prior to commencement of any works the applicant is advised to contact English Nature regarding potential license requirements under the terms of the Protection of Badgers Act 1992.**
- 2 The applicant is also advised that the site may be used by great crested newts for hibernation purposes. Prior to commencement of any works the applicant is advised to contact DEFRA regarding potential license requirements under the terms of the European Habitats Directive 1992 and Habitats Regulations 1994.**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

5 CW2003/2279/F - ERECTION OF ONE BUNGALOW, ONE DORMER BUNGALOW AND GARAGES AT MARDEN SERVICE STATION, MARDEN, HEREFORD, HEREFORDSHIRE, HR1 3DN

For: Mr. G. Porter per Mr. D. Mundy, 8 Ballard Close, Ludlow, Shropshire, SY8 1XH

Date Received: 28th July 2003

Ward: Sutton Walls

Grid Ref: 52230, 47540

Expiry Date: 22nd September 2003

Local Member: Councillor J.G.S. Guthrie

1. Site Description and Proposal

- 1.1 The site is in the centre of Marden on the northern side of the C1124 through the village and just to the west of White House Close. The site which is occupied by a vacant warehouse and service station, adjoins an existing parade of shops. The surrounding area is characterised by bungalows, some of which are developed at high density. The site is 21 metres in width and 50 metres in depth.
- 1.2 The proposal is a full application for the erection of one bungalow on the rear half of the site and a dormer bungalow on the front half, with a shared double garage sited between the properties. Both properties are 3 bedroomed, the bungalow to the rear is 'L' shaped, maximum footprint 11 metres by 12 metres and height 5.5 metres. The dormer is 11.5 metres by 6.6 metres maximum height 6 metres, the dormers face the road. Materials proposed are brick and concrete tiles. The access is as existing and an existing footpath across the site is maintained.

2. Policies

2.1 Planning Policy Guidance:

PPG1	-	General Policy and Principles
PPG3	-	Housing

2.2 South Herefordshire Local Plan:

Policy GD1	-	General Development Criteria
Policy SH6	-	Housing Development in Larger Villages
Policy SH8	-	New Housing Development in Larger Villages
Policy T4	-	Highway and Car Parking Standards

2.3 Herefordshire Unitary Development Plan (Deposit Draft):

Policy H4	-	Main Villages – Settlement Boundaries
Policy DR1	-	Design
Policy H13	-	Sustainable Residential Development

3. Planning History

CW2001/0081/O Demolition of garage and workshop and site for 3 bungalows.
Approved 24/05/2001.

4. Consultation Summary

4.1 Environment Agency: No objection in principle, recommend conditions.

4.2 Hyder: If minded to grant planning consent, conditions and advisory notes are requested.

Responses by internal consultees that raise material planning issues are summarised and considered in the Officers Appraisal.

5. Representations

5.1 The applicant included a supporting letter and has also written in response to the objection letter, summarised as follows:

- The front boundary of Plot 1 is set back from the road to allow future formation of a pavement.
- The dormer windows overlook the road, and by creating a dormer the footprint of the property is kept to a minimum. The building is set back 2.5 metres from the boundary with No. 1 White House Close and the floor level will be 450 mm below this neighbour, the ridge line also runs away from the neighbours boundary.
- The Plot 2 bungalow is 2.4 metres from the neighbours boundary and set down in relation to the neighbouring property by 600 mm. The garage is hipped and 5 metres from the boundary.
- The above factors aim to keep disturbance to neighbours to a minimum and maximise light, improving the existing situation and the impact caused by the existing garage and workshops.

5.2 Marden Parish Council: The Parish Council had no objection to this proposal. The Parish Council feels this is a well thought out development and will enhance the appearance of an untidy area of the village.

5.3 One letter of objection from Mrs. Peak of No. 1 White House Close, raising the following concerns:

- The outline application was for 3 bungalows with no mention of dormer bungalows, this will make a considerable difference to my property.
- There will be a reduction in light to my kitchen/utility and lounge area. These rooms are forward of the existing garage but the siting of the new bungalow will reduce light, this is made worse by the height of a dormer bungalow.
- The grass verge shown in front of No. 1 White House Close is in fact a pavement.

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

6. Officers Appraisal

- 6.1 This site forms part of a larger area (which includes a third plot to the rear of the shops), which has outline permission for residential development. As such the principle of residential development on the site is established. The outline permission included a condition that dwellings should be single storey in the interests of local amenity. This application is a full application because the application site is different to the outline permission (and for 2 properties rather than 3 including one dormer property).
- 6.2 The site is within the settlement boundary of Marden, where new development is considered against Policy SH8 in the South Herefordshire Local Plan. In accordance with this policy, development is in keeping with both the general density, pattern and character of the surrounding area, which is predominantly characterised by a mix of bungalow types.
- 6.3 In terms of the impact upon neighbouring properties, the concerns raised by the neighbouring resident of No. 1 White House Close are noted. In assessing the impact on this neighbour, the existing two storey garage building must be taken into account, as this already has a significant impact on the neighbour. The siting and height of the proposed dormer bungalow is not considered to have an overbearing impact on the neighbour, and the dormer bungalow will not result in overlooking. In terms of daylight implications, it is not considered that the new dormer bungalow will significantly reduce levels of daylight any further than the existing garage building. A condition will be imposed to require that the end elevation of the bungalow will be rendered and painted white to reflect daylight back to the neighbouring property, no new windows will be allowed in this side elevation and boundary treatment will also be controlled by condition.
- 6.4 The other bungalow to the rear is single store and the other neighbouring properties are not considered to be adversely affected by the proposed development.
- 6.5 The existing access to the site is utilised which is satisfactory subject to conditions. Garaging and parking will meet the Council's Car Parking Standards.
- 6.6 The outline permission included conditions relating to contamination investigations and removal of the former petrol tanks. The petrol tanks have now been dealt with, the condition requiring contamination investigations is repeated. An informal footway has historically existed across the site, although this has not raised local concern as part of this application, it did at the outline application stage and the Local Planning Authority consider it important that this is retained, and again conditions are proposed to this effect.
- 6.7 To conclude, the principle of residential development on the site is established. The detailed design of the scheme is considered acceptable in terms of the density, layout, character and appearance. Taking account of the existing use and buildings on the site, the impact of the proposed development upon neighbouring properties is not considered unduly detrimental. Parking and access arrangements are acceptable and overall subject to conditions the application is recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. **A01 (Time limit for commencement (full permission)).**
Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. **A06 (Development in accordance with approved plans).**
Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.
3. **B01 (Samples of external materials).**
Reason: To ensure that the materials harmonise with the surroundings.
4. **E16 (Removal of permitted development rights).**
Reason: In the interests of local amenity.
5. **E18 (No new windows in specified elevation).**
Reason: In order to protect the residential amenity of adjacent properties.
6. **F16 (Restriction of hours during construction).**
Reason: To protect the amenity of local residents.
7. **F48 (Details of slab levels).**
Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.
8. **G04 (Landscaping scheme (general)).**
Reason: In order to protect the visual amenities of the area.
9. **G05 (Implementation of landscaping scheme (general))**
Reason: In order to protect the visual amenities of the area.
10. **G01 (Details of boundary treatments).**
Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.
11. **The public footway shown on the site plan along the northern edge of the site and alongside the communal driveway shall be kept open for public access at all times and shall not be obstructed in any way.**
Reason: In the interests of local amenity.
12. **Prior to commencement of development, details of a suitable demarcation line along the edges of the public footway shall be submitted to and approved in writing by the local planning authority. Development shall be in accordance with the approved details.**

Reason: In the interests of local amenity.

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

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

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

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

- 15. No surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system.**

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

- 16. No land drainage run-off will be permitted, either directly or indirectly, to discharge into the public sewerage system.**

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

- 17. The former drainage runs and oil interceptors shall be cleaned and decommissioned in accordance with the requirements of good practice set out in the DEFRA Groundwater Protection Code: Petrol Station and other fuel dispensing facilities involving underground storage tanks.**

Reason: To prevent pollution of the water environment.

- 18. No development approved by this permission shall be commenced until a scheme for the provision and implementation of surface water has been submitted to and approved in writing by the local planning authority. Such a scheme shall be implemented in accordance with the details approved by the local planning authority.**

Reason: To prevent the increased risk of flooding.

- 19. No development approved by this permission shall be commenced until:-**

(a) The application site has been subjected to a detailed scheme for the investigation and recording of contamination and a report has been submitted to and approved by the local planning authority.

(b) Detailed proposals in line with current best practice for the removal, containment or otherwise rendering harmless such contamination (the "Contamination Proposals") have been submitted to and approved by the local planning authority.

(c) For each part of the development contamination proposals relevant to that part (or any part that would be affected by the development) shall be carried out either before or during such development as appropriate.

- (d) If during development works any contamination should be encountered which would previously identified and is derived from a different source and/or a different type to those included in the "Contamination Proposals" then revised "Contamination Proposals" shall be submitted to the local planning authority.
- (e) If during development works site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed "Contamination Proposals".

Reason: To prevent pollution of the water environment.

- 20. The eastern side elevation of the dormer bungalow on Plot 1 shall be rendered and painted white.

Reason: In the interests of neighbours amenities.

Notes to Applicant:

- 1. If a connection is required to the public sewerage system, the developer is advised to contact the Dwr Cymru Welsh Water's Network Development Consultants on tel: 01443 331155.
- 2. HN01 - Mud on highway.
- 3. HN04 - Private apparatus within highway.
- 4. HN05 - Works within the highway.
- 5. HN10 - No drainage to discharge to highway.
- 6. If during construction/excavation works any contaminated material is revealed then the movement of such material either on or off site should be in consultation with the Agency. Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 34 of the Environmental Protection Act 1990.

Carriers transporting waste from the site must be registered carriers.

- 7. It is noted that the grass verge shown in front on No. 1 White House Close is actually a pavement area.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

Document is Restricted

