

A G E N D A

Central Area Planning Sub-Committee

Date: **Wednesday, 14th January, 2004**

Time: **2.00 p.m.**

Place: **Council Chamber, Brockington**

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

For any further information please contact:

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**County of Herefordshire
District Council**

AGENDA

for the Meeting of the Central Area Planning Sub-Committee

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

Councillors Mrs. P.A. Andrews, Mrs. W.U. Attfield, Mrs. E.M. Bew, A.C.R. Chappell, Mrs. S.P.A. Daniels, P.J. Edwards, J.G.S. Guthrie, T.W. Hunt (ex-officio), 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, W.J.S. Thomas, Ms. A.M. Toon, W.J. Walling, D.B. Wilcox, A.L. Williams, J.B. Williams (ex-officio) and R.M. Wilson.

	Pages
1. APOLOGIES FOR ABSENCE	
To receive apologies for absence.	
2. DECLARATIONS OF INTEREST	
To receive any declarations of interest by Members in respect of items on the Agenda.	
3. MINUTES	1 - 44
To approve and sign the Minutes of the meeting held on 1st December, 2003.	
4. HEAD OF PLANNING SERVICES REPORT	45 - 106
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.	

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- 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.
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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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MINUTES of the meeting of the Central Area Planning Sub-Committee held at Brockington, 35 Hafod Road, Hereford, on Monday 1st December, 2003 at 2.00 p.m.

Present: 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, 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, W.J.S. Thomas, Ms A.M. Toon, D.B. Wilcox and A.L. Williams.

In attendance: Councillors P.E. Harling and T.W. Hunt (ex-officio)

42. CHAIRMAN’S ANNOUNCEMENTS

The Chairman paid tribute to the passionate and devoted work of Councillor D.C. Short MBE who had passed away recently; a minute’s silence was observed in his memory.

The Chairman asked that the best wishes of the Sub-Committee for speedy recoveries from illness be forwarded to officers Julie Preston and Hazel Mussell.

43. APOLOGIES FOR ABSENCE

Apologies were received from Councillors G.V. Hyde, W.J. Walling and R.M. Wilson. Apologies were also received from Councillor J.B. Williams (ex-officio).

44. DECLARATIONS OF INTEREST

The following declarations of interest were made.

<u>Councillor(s)</u>	<u>Item</u>	<u>Interest</u>
Mrs. S.J. Robertson	Item No. 5, Ref. 1 - DCCE2003/2639/F Convert existing outbuildings to annex apartment at: 15 JUDGES CLOSE, HEREFORD, HR1 2TW	Declared a prejudicial interest and left the meeting for the duration of this item.
A.C.R. Chappell, J.W. Newman and W.J.S. Thomas	Item No. 5, Ref. 2 – CW2002/3441/F Demolition of existing buildings and development of mixed-use scheme comprising Asda food store, community uses, residential development, replacement bowling green/club house, retained tramway and flood defence wall, parking, servicing, landscaping, new accesses and other highways infrastructure improvements at: LAND TO THE WEST OF THE A49(T) AND NORTH OF BELMONT AVENUE, BELMONT, HEREFORD	Declared personal interests.

A.C.R. Chappell, J.W. Newman and W.J.S. Thomas	Item No. 5, Ref. 3 – CW2003/0729/C Demolition of Greyhound Dog Public House, associated outbuildings and former store office at: THE GREYHOUND DOG PUBLIC HOUSE, OUTBUILDINGS AND ADJACENT STORE ROOM, BELMONT ROAD, HEREFORD	Declared personal interests.
Mrs. M.D. Lloyd-Hayes	Item No. 5, Ref. 11 – DCCW2003/2728/F Two storey extension to dwelling at: WOOD VIEW COTTAGE, WELLINGTON, HEREFORDSHIRE	Declared a personal interest and left the meeting for the duration of this item.

45. MINUTES

RESOLVED: That the Minutes of the meeting held on 29th October, 2003 be approved as a correct record and signed by the Chairman.

46. ITEM FOR INFORMATION – APPEALS

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

47. REPORT OF THE HEAD OF PLANNING SERVICES

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

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 involved 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**48. ITEM FOR INFORMATION – ENFORCEMENT**

The Sub-Committee received an information report about enforcement matters within the central area.

- [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.]

49. DATE OF NEXT MEETING

It was noted that the next scheduled meeting was Wednesday 14th January, 2004.

The meeting ended at 5.14 p.m.

CHAIRMAN

APPENDIX

[N.B. To assist with the efficient transaction of business, the applications were considered in the following order: Ref. 1, Ref. 2, Ref. 3, Ref. 4, Ref. 5, Ref. 8 and Ref. 9, Ref. 10, Ref. 14, Ref. 7, Ref. 6, Ref. 11, Ref. 12, Ref. 13, Ref. 15.]

Ref. 1
HEREFORD
DCCE2003/2639/F

Convert existing outbuildings to annex apartment at:

15 JUDGES CLOSE, HEREFORD, HR1 2TW

For: **MR. & MRS. DEVERILL PER MR. J.E. SMITH, PARKWEST,
LONGWORTH, LUGWARDINE, HEREFORD**

Referring to paragraph 5.2 of the report, the Planning Officer advised the Sub-Committee that five letters of objection had been received and that a sixth letter outlined concerns.

Councillor D.B. Wilcox, a Local Member, thanked the Sub-Committee for having undertaken a site inspection and noted the conditions recommended in the report. Councillor A.L. Williams, the other Local Member, supported this view.

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 E15 (Restriction on separate sale)

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

3 E29 (Occupation ancillary to existing dwelling only (granny annexs))

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

4 The development hereby permitted shall not commence until a plan showing an area within the application site for the parking and turning of one car associated with the annex has been submitted to and approved in writing by the local planning authority. The approved parking and turning area shall then be used and retained thereafter free of any impediment to such use.

Reason: In the interests of highway safety and to help prevent indiscriminate parking on the highway.

5 The development hereby permitted shall not commence until a

plan showing an area within the application site for the storage of refuse has been submitted to and approved in writing by the local planning authority. The approved area for the storage of refuse shall then be used and retained thereafter free of any impediment to such use.

Reason: To ensure adequate provision for the storage of refuse from the dwelling in the interest of the amenities of nearby residents.

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

Reason: To protect the integrity of the Public Sewerage System.

7. **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.

8. **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.

Note 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 01443 331155.**

Ref. 2
HEREFORD
CW2002/3441/F

Demolition of existing buildings and development of mixed-use scheme comprising Asda food store, community uses, residential development, replacement bowling green/club house, retained tramway and flood defence wall, parking, servicing, landscaping, new accesses and other highways infrastructure improvements at:

LAND TO THE WEST OF THE A49(T) AND NORTH OF BELMONT AVENUE, BELMONT, HEREFORD

For: **ASDA STORES/EIGN ENTERPRISES LTD. PER RPS GROUP PLC, 3RD FLOOR, PARK HOUSE, GREYFRIARS ROAD, CARDIFF, CF10 3AF**

The Principal Planning Officer reported the receipt of the following correspondence:

- responses to a 'Community Connect' exhibition and newspaper notice, comprising: a petition of 123 signatures, 21 individual comments in support and 305 newspaper return slips, although only 261 had been received by the Planning Department;
- a petition, relating to a 'Big Event' exercise, of 1,108 signatures;

- a letter from St. Martin's Dental Practice expressing concern that refusal of planning permission could result in lost opportunities for flood defence, highway and drainage improvements;
- a letter of support from the Hereford Campaign for Flood Defences;
- a letter from St. Martin's Street Residents' and Traders' Association expressing concern about the loss of a flood plain without the construction of the full Hereford Flood Alleviation Scheme;
- an individual letter of support; and
- an individual letter of objection.

In accordance with the criteria for public speaking, Mr. Orgill and Mr. Meldrum spoke in objection to the application and Mr. Hoare (the applicants' agent), Mr. Lyons (speaking as an individual on behalf of the applicants) and Mrs. Davies spoke in support of the application.

The Principal Planning Officer explained the retail need considerations and emphasised that Officers and the Council's independent retail consultant concluded that the application failed to comply with Central Government advice contained in PPG6 and more recent Ministerial Statements. He also explained the three other reasons for refusal as detailed in the report.

Before the Members' debate on this application, the Chairman read out a statement which outlined the main issues for consideration. The Chairman reminded Members that the report had been prepared with the best professional advice based on information provided by the applicants and by consultees and in the light of local and national planning policies. He added that Members should refrain from straying into areas not covered by the report. The Legal Practice Manager noted that this application was complex and multi-faceted and reminded Members of their duty to abide by the Council's Code of Conduct for Members and Officers Dealing with Planning Matters.

Councillor R. Preece, a Local Member, thanked the Officers for their thorough and detailed report. Councillor Preece felt that on balance greater weight should be given to the benefits of the proposal, particularly the provision of 400-450 jobs and the infrastructure improvements. He questioned the Environment Agency's concerns about flood risk, commented on retail need and felt that the existing parking area to the front of the shops adjacent to Belmont roundabout should be retained.

Councillor A.C.R. Chappell, a Local Member, expressed his view that significant weight should be given to the regeneration and community opportunities of this proposal and noted the extent of local support. Referring to the comments of the Environment Agency regarding flood risk, Councillor Chappell expressed his dismay at the inference that the local community would not act promptly to evacuate vulnerable members of the public from any area at risk, particularly given that there was generally a large lead in time for the issue of flood warnings for this area. He also felt that precedents had been established through other developments in Hereford. Referring to concerns about the future viability of the proposed community facilities, he noted that work was ongoing with the South Wye Regeneration Partnership, that a number of consultation exercises had identified the need for community

provision and that such provision was supported in community development terms. Referring to the issue of retail need, he commented on anecdotal evidence about people who travelled from Hereford to shop at Asda stores in Cwmbran and Gloucester and commented that he would prefer to see such spending in Hereford. He felt that the potential for link trips to shops in the city centre had been underestimated. He noted that the Greyhound Dog building was almost dilapidated and that many local residents did not feel that it was worthy of retention. In concluding his comments, Councillor Chappell stressed his view that the proposal would bring about major regeneration, would provide the only short-term opportunity for improvement works on this heavily congested junction and would provide much needed community benefits. He added that refusal of this planning application could send a catastrophic message to other potential investors.

Councillor Mrs. W.U. Attfield, the other Local Member, commented on the present semi-derelict appearance of the site and the unsightly state of the Greyhound Dog building. She noted that much of the flooding in recent times was the result of inadequate foul and surface water drainage in this area. She felt that this proposal provided a rare opportunity for regeneration and to solve problems associated with the site.

The Principal Planning Officer responded to a number of points raised during the debate as follows: whilst Officers had questioned the rationale of comments regarding flood risk, the Environment Agency was a statutory consultee and maintained its objection to the development proposals; whilst the principle was supported, the fact that no end users had been identified to date had resulted in concerns about long term viability of the community facilities; Members were reminded that it was the application and not the applicant under consideration and that retail need had to be demonstrated; and that, whilst it was not argued that the building in its present condition was unsightly, adopted policies and Government guidance contained in PPG15 (Planning and the Historic Environment) meant that the demolition of the Greyhound Dog could only be supported as part of an approved comprehensive and appropriate scheme for the redevelopment of the site.

Councillor J.W. Newman felt that the arguments in favour of this site were very strong. He commented that the applicants were unlikely to make such a significant investment in the area if there was any suggestion that the proposals would not be sustainable. Councillor Newman felt that the proposals would significantly enhance the area and would provide more local shopping choice.

Councillor P.J. Edwards noted the professionalism of Officers but felt unable to support a recommendation of refusal in this instance. Councillor Edwards felt that the retail need generated by major residential development south of the city in recent times might have been underestimated. In respect of qualitative benefits, he suggested that consideration should be given to securing planning contributions towards facilities across the city if it proved too problematic to provide facilities on site. He felt that elements of the scheme fitted in with adopted and emerging policies; he added that referral of the application to the Office of the Deputy Prime Minister would help to highlight the constraints caused by flooding and inadequate highway infrastructure. He commented that the applicants were unlikely to invest in a project if

the flood risk was so critical, particularly given that much of the store's stock would be perishable. He queried why the risk of locating community facilities on this site was assumed to be greater than that for a store. Councillor Edwards commented on the potential architectural contribution of the 'landmark' residential building and felt that considerable weight should be placed on the highway infrastructure improvements and the financial contribution towards the cost of the Hereford Flood Alleviation Scheme.

Councillor J.C. Mayson commented that these proposals provided a chance to check the perceived divide in the provision of quality facilities in the north and the south of the city.

Councillor R.I. Matthews reminded the Sub-Committee of the seriousness of the issues under consideration and highlighted the consultation responses and representations that had been received in objection to the proposals. Councillor Matthews expressed his concern about the flood risks, including the consequences of piecemeal flood alleviation measures, and the implications of additional traffic in the vicinity of the site. He also expressed concern about the potential impact of the store on the vitality and viability of city centre retail units.

Councillor D.B. Wilcox supported the arguments put forward by the Local Members but felt that, if the Sub-Committee was minded to grant planning permission, further consideration should be given to the impact on other traders and to the design of the landmark residential building. The Officers were commended for their expertise but it was felt that the wider community benefits outweighed policy interpretations in this instance.

Councillor Ms. A.M. Toon noted the differences of opinion in relation to the flood risk issue and felt that the opportunity to move forward with this scheme should not be lost.

In response to a question from Mrs. P.A. Andrews, the Principal Planning Officer advised that the repositioning of the proposed community facilities within the site would not address the objections of the Environment Agency as it held the view that sites vulnerable to rapid inundation were unlikely to be suitable for those of restricted mobility.

Councillor Mrs. E.M. Bew expressed the view that regeneration opportunities of this magnitude generally only arose every few decades and felt that these proposals were worthy of support.

Councillor Mrs. M.D. Lloyd-Hayes expressed her support for the application, particularly given the inward investment and local benefits that could be secured as a result of the proposals. She noted that the area was one of the most deprived in the County and that retailer choice was very limited, especially when compared to the north of the city. She felt that the issue of road congestion and safety had to be dealt with. She concurred with the views of other Members that inadequate drainage was a significant factor in the localised flooding problems of recent years and that the opportunity to resolve such issues should not be allowed to pass by.

Councillor W.J.S. Thomas thanked the Officers and the speakers for

their considered contributions to the debate. Councillor Thomas noted that, whilst it was clear that there would inevitably be concerns regarding the presence of community facilities within an identified flood risk area, the response of the Environment Agency appeared to infer that there was opportunity for further consultations in respect of measures to mitigate the perceived adverse impacts of the proposals. He commented on the need to address the severe traffic problems in and around the city which were stifling economic potential.

Councillor Mrs. S.J. Robertson noted the complexity of the issues but felt that the extent of support for the application in the local community was an overriding consideration. She felt that further attention should be given to flooding concerns, the impact on other traders and design issues.

Councillor Mrs. J.E. Pemberton noted the need for appropriate developments at the entrances to the city.

Councillor Ms. G.A. Powell noted the significant amount of correspondence she had received in support of the application and felt that it should be supported given the prospect of new investment in jobs.

Councillor A.L. Williams spoke in support of the Local Members' views and felt that link-trips to the city centre should be encouraged. In response to this question, the Principal Planning Officer advised that in his opinion, the opportunity for linked trips from the site to the city centre was limited having regard to the distance (over 1000m from High Town to the store) and the nature of the route.

Councillor Edwards suggested that the applicants could provide additional contributions in respect of pedestrian and cycle facilities outside the application site.

A motion to refuse the application failed and the Sub-Committee subsequently approved a motion confirming that Members were minded to approve the application.

The Chairman noted that, under the Council's referral procedure, the Head of Planning Services had a limited amount of time to decide whether the application was referred to the Planning Committee for further consideration or, given the requirements of the Departure Regulations, the application should be referred straight to the relevant Government office.

Councillor Edwards asked that a list of conditions he had prepared be considered for inclusion in any planning permission granted.

RESOLVED:

It was the decision of the Members of the Central Area Planning Sub-Committee that they were minded to grant planning permission for the proposal on the grounds that there were significant local benefits in the form of new investment in jobs, urban regeneration of the conservation area, improvements to the local road infrastructure and provision of community facilities. Members considered that these benefits outweighed the policy

concerns outlined in the report. In addition, Members placed considerable weight on the financial contribution being offered by the developer to the Environment Agency towards the cost of the Hereford Flood Alleviation Scheme.

Ref. 3
HEREFORD
CW2003/0729/C

Demolition of Greyhound Dog Public House, associated outbuildings and former store office at:

THE GREYHOUND DOG PUBLIC HOUSE, OUTBUILDINGS AND ADJACENT STORE ROOM, BELMONT ROAD, HEREFORD

For: **ASDA STORES LTD/EIGN ENTERPRISES LTD. PER RPS GROUP PLC, 3RD FLOOR, PARK HOUSE, GREYFRIARS ROAD, CARDIFF, CF10 3AF**

For the reasons outlined the previous item, Members were minded to approve this application.

RESOLVED:

It was the decision of the Members of the Central Area Planning Sub-Committee that they were minded to grant Conservation Area Consent for the demolition of the Greyhound Dog Public House, subject to any conditions considered necessary by Officers.

Ref. 4
HEREFORD
CE2001/2757/O

Site for mixed use development to provide housing, open space, community and local retail uses at:

LAND AT BRADBURY LINES, BULLINGHAM LANE, HEREFORD

For: **GEORGE WIMPEY UK LIMITED PER GOUGH PLANNING SERVICES, MILL COURT, MILL STREET, STAFFORD, ST16 2AJ**

In accordance with the criteria for public speaking, Mr. Owen spoke on behalf of Lower Bullingham Parish Council.

Councillor R. Preece, a Local Member, noted the comprehensive nature of the report and commented on drainage issues and on open space provision.

Councillor A.C.R. Chappell and Councillor Mrs. W.U. Attfield, the other Local Members, expressed concerns about existing and potential traffic congestion into the city centre.

Councillor P.J. Edwards expressed concerns about traffic and drainage issues. He also felt that the provision and maintenance of open space had to be a priority.

Councillor W.J.S. Thomas noted the drainage problems in the area, felt that public transport needed to be supported for a number of years, and welcomed the planning obligations that had been negotiated by Officers.

Councillor Mrs. P.A. Andrews felt that a financial contribution to local

bus services would have a more significant impact than the provision of complimentary bus passes for residents. Councillor Mrs. Andrews commented on the significant cost to the Council of maintaining areas of open space and questioned whether the financial contribution to maintenance costs could be extended.

In response to comments by Members, the Principal Planning Officer explained: the structure of the recommendation; that Hyder had confirmed that adequate capacity existed within the public sewer; that the detail of the planning obligations was negotiable as this was an outline planning application; and commented that a 10-year maintenance period for open space was considered reasonable.

In response to a question from Councillor Edwards, the Principal Planning Officer advised that condition 19 (landscape management plan) would ensure that the open space would be maintained to an acceptable standard.

In response to a question from Councillor Ms. A.M. Toon, the Principal Planning Officer advised that the Council's Education and Policy Resources Officer had calculated that the overall proposal was likely to result in a requirement for two additional classrooms at nearby schools and this was considered reasonable.

RESOLVED:

- 1 The County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 requiring the applicant to provide:**
 - (i) 36% of the housing units as affordable housing of which a minimum of one half to be provided through a Registered Social Landlord (and a minimum of two thirds of this 'half' to be for rent), all appropriately phased throughout the development;**
 - (ii) a financial contribution towards the provision of additional education facilities at the local schools;**
 - (iii) complimentary bus passes for owners/occupiers of the residential units for the first year of occupation and/or a financial contribution towards a bus service/re-routed service on the site;**
 - (iv) the provision of open space to include the LEAP, MUGA and 10 LAPs together with a financial contribution towards maintenance costs for the next 10 years;**
 - (v) the provision of a serviced and equipped community building and associated facilities (access, parking, landscaping) or a financial contribution and land for the provision of such a facility;**
 - (vi) a financial contribution towards the cost of providing safer routes to school facilities and improved pedestrian/cycle links within the vicinity of the site (to**

include a toucan crossing on Holme Lacy Road);

(vii) a financial contribution towards cemetery provision within the City.

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

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

1 Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.

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

2 The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last reserved matters to be approved, whichever is the later.

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

3 Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

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

4 Plans and particulars of the reserved matters referred to above relating to the siting, design and external appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.

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

5 The development shall be carried out in all respects strictly in accordance with the approved plans except where otherwise stipulated by conditions attached to this permission.

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

6 No development shall take place until details or samples of

materials to be used externally on walls and roofs have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

- 7** No development shall take place until the applicants or their agents or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. This programme shall be in accordance with a brief prepared by the County Archaeology Service.

Reason: To ensure the archaeological interest of the site is recorded.

- 8** The developer shall afford access at all reasonable times to any archaeologist nominated by the local planning authority, and shall allow him/her to observe the excavations and record items of interest and finds. A minimum of 5 days' written notice of the commencement date of any works forming part of the development shall be given in writing to the County Archaeology Service.

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

- 9** The hours during which site plant and machinery may be operated shall be restricted to 8.00am to 6.00pm Mondays to Fridays and 8.00am to 1.00pm on Saturdays. There shall be no such working on Sundays, Bank or Public Holidays.

Reason: To safeguard the amenities of the locality.

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

Reason: To safeguard the amenities of the locality.

- 11** No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works and surface water run-off limitation has been submitted to and approved in writing by the local planning authority. Such scheme shall be implemented before the first use of the development hereby approved.

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

- 12 There shall be no, direct or indirect, discharge of surface water to the public foul sewer.

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

- 13 No materials or substances shall be incinerated within the application site during the construction phase.

Reason: To safeguard residential amenity and prevent pollution.

- 14 No phase of the development hereby approved shall commence until the scheme to deal with contamination of the site set out in the Remedial Action Plan - Bradbury Lines, Hereford (Document: 20971 rap2) dated September 2003 ("the Plan") has been implemented in accordance with the Plan to the satisfaction of the local planning authority. Following completion of de-contamination of each phase the applicant shall notify the local planning authority in writing prior to discharge of this condition as it affects the particular phase. If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the Plan then details shall be submitted in writing to the local planning authority prior to decontamination works taking place.

Reason: To ensure that potential contamination is removed or contained to the satisfaction of the local planning authority.

- 15 Prior to the commencement of each phase of the development, a detailed plan, showing the levels of the existing site, the proposed slab levels of the dwellings approved and a datum point outside of the site, shall be submitted to and approved by the local planning authority. Development shall be carried out in accordance with the approved details.

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

- 16 No phase of the development hereby approved shall be occupied until a landscape design has been submitted to and approved by the local planning authority. The submitted design shall include drawings at a scale of 1:200 or 1:500 and a written specification clearly describing the species, sizes, densities and planting numbers. Drawings must include accurate details of all existing trees and hedgerows with their location, species, size, condition, any proposed tree surgery and an indication of which are to be retained and which are to be removed.

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

- 17 The landscaping scheme approved under condition 16 above shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion of the development. The landscaping shall be maintained for a period of 5 years. During this time any trees, shrubs or other plants which are removed, die, or are seriously retarded shall be replaced during the next planting season with others of similar size and species unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year maintenance period.

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

- 18 The landscaping scheme required by condition No. 16 above shall include the following:

(a) Full details of all existing physical and landscape features on the site including the position, species, height, girth, spread and condition of all trees, clearly distinguishing between those features to be retained and those to be removed.

(b) Full details of all proposed fencing, screen walls, hedges, floorscape, earth moulding, tree and shrub planting.

(c) Full details of all protective measures to prevent damage during the course of development to trees and other features to be retained.

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

- 19 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

Reason: In the interests of visual and residential amenity.

- 20 (a) The detailed siting and layout plans to be submitted under condition no. 4 shall include provision of a single area of public open space (the "Central Area") to be a minimum of 2.45 ha in area (to include a suitably equipped Locally Equipped Area of Play and a Multi-Use Games Area), other open areas/corridors to be a minimum of 0.72 ha; and a minimum of 10 suitably equipped toddlers' play areas (each a minimum of 0.2ha in area in accordance with the standards

adopted by the local planning authority).

(b) The Central Area and other open areas/corridors shall be provided and equipped for use in accordance with the approved siting and layout plans prior to the occupation of any part of phases 2 and 3 of the development or in accordance with a programme to be agreed in writing with the local planning authority. The first toddlers play area shall be provided and equipped prior to the occupation of the 50th dwelling, and subsequent toddlers play areas shall be provided and equipped after the occupation of each subsequent block of 50 dwellings or in accordance with a programme to be agreed in writing with the local planning authority.

Reason: To ensure the proper planning of the development in accordance with the Master Plan and ensure a phased and adequate standard of amenity for the development.

21 (a) A minimum of 36% of the dwellings hereby approved shall comprise affordable housing.

(b) One third of the total affordable housing shall be provided in each of the three phases of the development unless otherwise agreed in writing with the local planning authority.

(c) Within each phase of the development no more than 60 of the open market dwellings shall be occupied prior to the completion of the affordable housing unless otherwise agreed in writing with the local planning authority.

Reason: To ensure a satisfactory housing mix and to accord with local and national planning policy.

22 (a) The detailed siting and layout plans to be submitted under condition no. 4 shall include a new community building (the details of which are to be agreed in writing by the local planning authority) and access thereto from Hoarwithy Road on a site to be a minimum of 1 ha in area.

(b) The new community building and access thereto shall be provided and equipped for use in accordance with the approved details prior to the occupation of the 240th dwelling.

Reason: To ensure the proper planning of the site in accordance with the Master Plan and the policies for the provision of community facilities.

23 Prior to the commencement of Phase 3 of the development a reptile mitigation strategy that includes details of the timing, methodology, reptile fencing and personnel responsible for slow worm translocation shall be submitted to and agreed in writing by the local planning authority. The strategy must include all details of the proposed slow worm corridor alongside the railway line including its protection during construction and its future management including the construction of an artificial reptile hibernaculum. The

strategy shall be implemented as approved prior to the commencement of Phase 3.

Reason: To protect the nature conservation interest of the site.

- 24 Development shall not begin until the engineering details and specification of the proposed roads and highway drains have been submitted to and approved in writing by the local planning authority.

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

- 25 The development shall not be occupied until the roadworks necessary to provide access from the nearest publicly maintained highway have been completed in accordance with details submitted to and approved in writing by the local planning authority.

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

- 26 All roadworks shall be completed within a period of 2 years or other period agreed in writing from the commencement of work on the site, or within 6 calendar months of the substantial completion of 75% of the dwellings hereby approved if this is sooner. This will entail the making good of surfacing, grassing and landscaping in accordance with a specification submitted to and approved in writing by the local planning authority. (Nothing in this condition shall conflict with any phasing scheme, in which respect it will be interpreted as applying to the particular phase being implemented).

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

- 27 Prior to the first occupation of any dwelling to which this permission relates an area for car parking shall be laid out within the curtilage of that property, in accordance with the approved plans which shall be properly consolidated, surfaced and drained, in accordance with details to be submitted to and approved in writing by the local planning authority and those areas shall not thereafter be used for any other purpose than the parking of vehicles.

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

- 28 Before any other works associated with any particular phase of the development hereby approved are commenced, the construction of the vehicular access(es), footway/cycleway improvements to Bullingham Lane, and pedestrian links and pedestrian crossing refuges associated with the particular

phase shall be carried out in accordance with drawing no. HSL00466 - Fig 3 with the Traffic Assessment dated August 2002, and in accordance with a specification to be submitted to and approved in writing by the local planning authority.

Reason: In the interests of highway safety.

- 29 The highway improvements shown on drawing no. HSL00466/005/Revision C, entitled Proposed Improvements to Ross Road/Bullingham Lane Junction and dated 27-05-03 shall be certified as completed in full by the Local Planning Authority in consultation with the Highway Authority prior to the occupation of the 161st dwelling within this development. Minor Amendments to this drawing may be made at the discretion of the local planning authority in consultation with the Highway Authority; these amendments can only be given effect if endorsed in writing by the local planning authority in consultation with the Highway Authority.

Reason: To enable the A49 Trunk Road to continue to be an effective part of the system of routes for through traffic, in accordance with section 10 (2) of the Highways Act 1980 by avoiding the disruption to flow on those routes by traffic expected to be generated by the development, and to protect the interest of road safety on the Trunk Road.

- 30 The improvements to the Ross Road/Bullingham Lane junction will include the provision of traffic signal control equipment and the necessary telecommunication works to ensure that this junction can be operated either as an efficient stand-alone junction or as part of a wider co-ordinated network.

Reason: To enable the A49 Trunk Road to continue to be an effective part of the system of routes for through traffic, in accordance with section 10 (2) of the Highways Act 1980 by avoiding the disruption to flow on those routes by traffic expected to be generated by the development, and to protect the interest of road safety on the Trunk Road.

- 31 The highway improvements shown on drawing no. HSL00466/024/Revision B, entitled Ross Road/Holme Lacy Road/Walnut Tree Avenue Junction Improvements and dated 22-05-03 shall be certified as completed in full by the local planning authority in consultation with the Highway Authority prior to the occupation of the 161st dwelling within this development. Minor amendments to this drawing may be made at the discretion of the local planning authority in consultation with the Highways Authority; these amendments can only be given effect if endorsed in writing by the local planning authority in consultation with the Highway Authority.

Reason: To enable the A49 Trunk Road to continue to be an effective part of the system of routes for through traffic, in accordance with section 10 (2) of the Highways Act 1980 by avoiding the disruption to flow on those routes by traffic

expected to be generated by the development, and to protect the interest of road safety on the Trunk Road.

- 32 The improvements to the Ross Road/Holme Lacy Road/Walnut Tree Avenue junction will include the provision of traffic signal control equipment and the necessary telecommunication works to ensure that this junction can be operated either as an efficient stand-alone junction or as part of a wider co-ordinated network.

Reason: To enable the A49 Trunk Road to continue to be an effective part of the system of routes for through traffic, in accordance with section 10 (2) of the Highways Act 1980 by avoiding the disruption to flow on those routes by traffic expected to be generated by the development, and to protect the interest of road safety on the Trunk Road.

- 33 Means of vehicular access for construction traffic to the development hereby approved shall be from Bullingham Lane only.

Reason: In the interests of highway safety and to safeguard residential amenity.

- 34 Development shall not begin until parking for site operatives and visitors has been provided within the application site in accordance with details to be submitted to and approved by the local planning authority and such provision shall be retained and kept available during construction of the development.

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

- 35 The detailed siting and layout plans to be submitted under condition no. 4 shall include full details of the bus link through the site including specification of construction and, if required, means of controlling access from Hoarwithy Road. The bus link shall be constructed as approved in accordance with a programme to be agreed in writing with the local planning authority.

Reason: To ensure the proper planning of the development in accordance with the proposed scheme.

- 36 There shall be no vehicular access(es) between the site and Hoarwithy Road other than for pedal bikes, buses and emergency vehicles in the event of an emergency, and to exclusively serve the community building. The reserved matters shall include details of the intended means of ensuring that there will be no vehicular access between the site and Hoarwithy Road; and these works shall be carried out as approved prior to the commencement of building works on the site or in accordance with a programme to be agreed in writing with the local planning authority.

Reason: To accord with the terms of the application and

safeguard highway safety.

- 37 There shall be no vehicular access between the site and Bradbury Close other than for pedal bikes and emergency vehicles in the event of an emergency. The reserved matters shall include details of the intended means of ensuring that there will be no vehicular access between the site and Bradbury Close; and these works shall be carried out as approved prior to the commencement of building works on the site.

Reason: To safeguard residential amenity.

- 38 There must be no new buildings, structures (including gates, walls and fences) or raised ground levels within:

a) 5m of the top of any bank or watercourses; and/or

b) 3m of any side of an existing culverted watercourse, inside or along the boundary of the site, unless agreed in writing by the local planning authority.

Reason: To enable access to be maintained to the watercourses for maintenance or improvement purposes, and to provide for overland flows.

- 39 Prior to the commencement of phase 3 details of measures to protect those dwellings affected by noise disturbance from the railway line shall be submitted for approval in writing by the local planning authority. The details shall be carried out as approved prior to occupation of the affected dwellings.

Reason: In the interests of residential amenity having regard to the information contained in the Railway and Road Traffic Noise Assessment dated October 2001.

- 40 The detailed siting and layout plans to be submitted under condition no. 4 shall include a plan (to be entitled "Affordable Housing") for each phase appropriately coloured to show exclusively the affordable housing (a different colour to be used for the Discounted Low Cost Housing and RSL Housing). Ultimately at completion of the entire development a single plan for the whole site, again appropriately coloured, shall be submitted to show exclusively the affordable housing.

Reason: To clarify the location of all housing on the site and to ensure future certainty as to the specific location of the affordable housing.

- 41 (a) The detailed siting and layout plans to be submitted under condition no. 4 shall include details of the retail use, to comprise a Local Centre.

(b) The retail use shall be provided and equipped in accordance with the approved details prior to the occupation of the 60th dwelling in Phase 3 of the development or in

accordance with a programme to be agreed in writing with the local planning authority.

Reason: To accord with the terms of the application and to ensure the proper planning of the development.

[After 5th December 2003 all reasons for conditions to refer to Development Plan policy].

Notes to Applicant:

- 1 Your attention is drawn to the requirements of Part M of the Building Regulations 1991 in respect of the need to provide access and facilities for the disabled.
- 2 This planning permission is pursuant to a planning obligation under Section 106 of the Town and Country Planning Act 1990.
- 3 This permission does not imply any rights of entry to any adjoining property nor does it imply that the development may extend into or project over or under any adjoining boundary.
- 4 Your attention is drawn to Section 80 of the Building Act 1984 whereby no demolition may be carried out without proper notice to the local authority and a counter notice issued under Section 81.
- 5 The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.
- 6 This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Mr. A.G. Culley, Divisional Surveyor (South), Unit 3, Thorn Business Park, Rotherwas, Hereford Tel: 01432-261955, shall be given at least 28 days' notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an approved specification for the works together with a list of approved contractors.
- 7 No work on the site should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into. Please contact Mr. R.J. Ball, Lead Planner (Transportation), PO Box 236, Hereford, HR4 9ZH to progress the agreement.
- 8 The developer is required to submit details of the layout and alignment, widths and levels of the proposed roadworks, which shall comply with any plans approved under this planning consent unless otherwise agreed in writing, together with all necessary drainage arrangements and run off calculations to Mr. A. Byng, Section 38 Manager, Engineering Services, PO Box 236, Hereford, HR1 2ZA. No works on the site of the development shall be commenced

until these details have been approved and an Agreement under Section 38 of the Highways Act 1980 entered into.

- 9 It is not known if the proposed roadworks can be satisfactorily drained to an adequate outfall. Unless adequate storm water disposal arrangements can be provided, Herefordshire Council, as Highway Authority, will be unable to adopt the proposed roadworks as public highways.

The applicant is, therefore, advised to submit the engineering details referred to in this conditional approval to Mr. A. Byng, Section 38 Manager, Engineering Services, PO Box 236, Hereford, HR1 2ZA at an early date to enable surface water disposal arrangements to be assessed.

- 10 Reference in any condition to phasing, or phases, relates to the "Design Responses - Land Division" plan forming part of the Design Framework. For clarification, this divides the site into three phases - area 1; areas 2a, 2b and 2c; and 3b.
- 11 If you have any queries regarding the archaeological interest of the site or the requirements of the conditions relating to archaeological work, please contact Herefordshire Archaeology, Planning Services, Town Hall, St. Owen Street, Hereford (Tel: 01432-383351).
- 12 Slowworms are a protected species under the terms of the Wildlife and Countryside Act 1981. It is an offence to harm or kill a protected species or its habitat. The applicant is advised to contact English Nature regarding measures required to protect the species and any license requirements to carry out works close by.
- 13 For the purposes of condition no. 41, the term "Local Centre" is defined as a small grouping of local convenience shops as referred to in Annex A of PPG6".

Ref. 5
HEREFORD
CE2002/1901/F

Change of use of former military chapel to community use at:

BRADBURY LINES, HOARWITHY ROAD, HEREFORD

For: **GEORGE WIMPEY U.K. LIMITED PER GOUGH PLANNING SERVICES, SUITE 2, TREVITHICK HOUSE, STAFFORD PARK 4, TELFORD, STAFFORDSHIRE, TF3 3BA**

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 No community or social activities or functions shall take place at the site outside the hours of 7.00am to 23.30pm daily unless otherwise agreed in writing with the local planning authority.

Reason: To safeguard the amenities of the locality.

- 3 The existing parking and turning areas at the site (including those serving the former Palladrin Club) shall be permanently maintained exclusive for the purpose of parking and turning in connection with the use hereby permitted.

Reason: To ensure that there is adequate parking and turning at the site in the interests of highway safety.

Ref. 6

HEREFORD

DCCE2003/2592/F

Proposed two-storey extensions at:

HAMPTON GRANGE NURSING HOME, 48/50 HAMPTON PARK ROAD, HEREFORD, HEREFORDSHIRE, HR1 1TH

For: **MRS. C. DOLAN PER HOOK MASON, 11 CASTLE STREET, HEREFORD, HR1 2NL**

Councillor Mrs. M.D. Lloyd-Hayes, a Local Member, noted the efforts of the nursing home to minimise noise disturbance. A number of Members spoke in support of the application.

RESOLVED:

That planning permission be granted subject to the following conditions:

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

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

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

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

- 3 Before any other operation hereby approved is commenced, the bin store shall be moved from its present location to the area annotated 'new fenced bin enclosure' on drawing no. 2334.5.2B, and the enclosing fence shall be erected to a height not less than 1.8m. Thereafter there shall be no storage of bins or other waste material in the area presently used for that purpose.

Reason: To safeguard the amenities of nearby residential properties and accord with the terms of the application.

- 4 The east facing en-suite bathroom windows shall be glazed with obscured glass.

Reason: To safeguard the amenities of nearby residential properties.

- 5 The east facing external doorway serving the stairwell shall be used as an emergency fire exit only and shall only be opened in the event of a fire or other emergency or for practices for a fire or other emergency. For the remainder of the time the door shall be kept shut.**

Reason: To safeguard the amenities of nearby residential properties.

- 6 B01 (Samples of external materials)**

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

- 7 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.

Note to Applicant:

- 1 There shall be no storage of materials or equipment by the river, either during or after construction works.**

Ref. 7
HEREFORD
CE2002/2405/O

Site for demolition of existing light industrial premises and construction of residential dwellings at:

THE OLD DAIRY, BULLINGAM LANE, HEREFORD

For: **J.S. BLOOR (TEWKESBURY) LTD. PER J.S. BLOOR (SERVICES) LTD., ASHBY ROAD, MEASHAM, SWADLINCOTE, DERBYSHIRE, DE12 7JP**

The Principal Planning Officer reported that the Environment Agency had no objections to the development.

Councillor A.C.R. Chappell, a Local Member, expressed his support for the application and, noting concerns about highway safety, suggested signage which could alert drivers to potential hazards. These views were supported by the other Local Members.

A number of Members felt that Welsh Water should be asked for a detailed report into the state of the public sewerage system in Hereford as consultation responses to development proposals frequently raised concerns about capacity issues.

RESOLVED:

That subject to the submission of drainage run-off details to the satisfaction of the Environment Agency:

- 1 The County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town and**

Country Planning Act 1990 requiring the applicant to provide:

- (i) a financial contribution towards the provision of additional education facilities at local schools;**
- (ii) a financial contribution towards off site affordable housing provision;**
- (iii) the provision of open space to include a LAP together with a financial contribution towards maintenance costs for the next ten years**

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

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

1 Approval of the details of the design and external appearance of the buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.

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

2 Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

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

3 The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last reserved matters to be approved, whichever is the later.

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

4 (a) Plans and particulars of the reserved matters referred to above relating to the design and external appearance of any buildings to be erected and the landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.

(b) The means of access to the site and the siting of the units shall be in accordance with the approved site layout plan no. TE010 - 21/A except where otherwise stipulated by condition attached to this permission.

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990, and to ensure adherence to the approved plans.

- 5 The reserved matters shall include details of a revised layout and/or a reduction in units on plots 31-34 and 35.**

Reason: To ensure a satisfactory layout in the interests of visual and residential amenity.

- 6 No development shall take place until details or samples of materials to be used externally on walls and roofs have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

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

- 7 No development shall take place until the applicants or their agents or successors in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. This programme shall be in accordance with a brief prepared by the County Archaeology Service.**

Reason: To ensure the archaeological interest of the site is recorded.

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

Reason: To protect the amenity of local residents.

- 9 Prior to the commencement of the development details of the proposed foul and surface water drainage arrangements shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the first occupation of the buildings hereby permitted.**

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

- 10 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 developments appropriate.

(d) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of 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 work site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out inline with the agreed 'Contamination Proposals'.

Reason: To prevent pollution of the water environment.

- 11 There shall be no, direct or indirect, discharge of surface water or land drainage run-off to the public foul sewer.

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

- 12 No materials or substances shall be incinerated within the application site during the construction phase.

Reason: To safeguard residential amenity and prevent pollution.

- 13 Prior to the commencement of development, a detailed plan, showing the levels of the existing site, the proposed slab levels of the dwellings approved and a datum point outside of the site, shall be submitted to and approved by the local planning authority. Development shall be carried out in accordance with the approved details.

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

- 14 No development shall commence on site or machinery or materials brought onto the site for the purpose of development until a landscape design has been submitted to and approved by the local planning authority. The submitted design shall include drawings at a scale of 1:200 or 1:500 and a written specification clearly describing the species, sizes, densities and planting numbers. Drawings must include accurate details of all existing trees and hedgerows with their location, species, size, condition, any proposed tree surgery and an indication of which are to be retained and which are to be removed.

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

- 15** The landscaping scheme approved under condition 14 above shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion of the development. The landscaping shall be maintained for a period of 5 years. During this time any trees, shrubs or other plants which are removed, die, or are seriously retarded shall be replaced during the next planting season with others of similar size and species unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year maintenance period.

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

- 16** No more than 25 dwellings shall be occupied until the areas shown on drawing no. TE010-21/A as 'children's play area' and 'paddock to be retained as public open space' have been laid out in accordance with details to be submitted and approved as a requirement of condition nos. 17 and 18 and those areas shall not thereafter be used for any purpose other than as a public open space.

Reason: To ensure a reasonable standard of amenity for future occupants of the development.

- 17** Prior to development commencing details of the 'children's play area' including equipment, surfacing, landscaping, means of enclosure and provision of seating and litter bins shall be submitted to and approved in writing by the local planning authority. The play area shall be constructed in accordance with the approved details and thereafter retained.

Reason: To ensure the play area is suitably equipped.

- 18** The details of the landscaping of the site required to be submitted shall include details of a scheme for the preservation or laying out of that part of the submitted plans indicated as being 'paddock to be retained as public open space'.

Reason: To ensure a reasonable standard of amenity for future occupants of the development.

- 19** Details of any walls, railings or fences to be erected on the site, including location, height, materials and a timetable for their erection, shall be submitted to and approved in writing by the local planning authority before the development commences. The walls, railings or fences shall be constructed in accordance with the details and timetable agreed with the local planning authority.

Reason: In the interests of residential and visual amenity.

- 20 Before any other operation commences the proposed highways works shown on Halcrow drawing no. KW/HBHH/505A (comprising a new access to Bullingham Lane, new pavements alongside Bullingham Lane, traffic calming and visibility splays) shall be constructed in accordance with the drawing and a specification to be submitted to and approved in writing by the local planning authority, and the visibility splays shall be kept permanently clear of any obstruction.**

Reason: In the interests of highway safety.

- 21 Prior to the occupation of any dwelling hereby approved the existing vehicular accesses onto the adjoining highway shall be permanently closed. Details of the means of closure and reinstatement of this existing access shall be submitted to and approved in writing by the local planning authority prior to the commencement of work on the development hereby approved.**

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

- 22 Prior to the first occupation of any dwelling to which this permission relates an area for car parking shall be laid out within the curtilage of that property, in accordance with the approved plans which shall be properly consolidated, surfaced and drained, in accordance with details to be submitted to and approved in writing by the local planning authority and those areas shall not thereafter be used for any other purpose than the parking of vehicles.**

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

- 23 The development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to and approved in writing by the local planning authority and these areas shall thereafter be retained and kept available for those uses at all times.**

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

- 24 Development shall not begin until the engineering details and specification of the proposed roads and highway drains have been submitted to and approved in writing by the local planning authority.**

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

- 25** Development shall not begin until parking for site operatives and visitors has been provided within the application site in accordance with details to be submitted to and approved by the local planning authority and such provision shall be retained and kept available during construction of the development.

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

Notes to Applicant:

- 1** The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.
- 2** This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Mr. A.G. Culley, Divisional Surveyor (South), Unit 3, Thorn Business Park, Rotherwas, Hereford Tel: 01432-261955, shall be given at least 28 days' notice of the applicant's intention to commence any works affecting the public highway so that the applicant can be provided with an approved specification for the works together with a list of approved contractors.
- 3** No work on the site should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into. Please contact Mr. R.J. Ball, Lead Planner (Transportation), PO Box 236, Hereford, HR4 9ZH to progress the agreement.
- 4** The developer is required to submit details of the layout and alignment, widths and levels of the proposed roadworks, which shall comply with any plans approved under this planning consent unless otherwise agreed in writing, together with all necessary drainage arrangements and run off calculations to Mr. A. Byng, Section 38 Manager, Engineering Services, PO Box 236, Hereford, HR1 2ZA. No works on the site of the development shall be commenced until these details have been approved and an Agreement under Section 38 of the Highways Act 1980 entered into.
- 5** It is not known if the proposed roadworks can be satisfactorily drained to an adequate outfall. Unless adequate storm water disposal arrangements can be provided, Herefordshire Council, as Highway Authority, will be unable to adopt the proposed roadworks as public highways.

The applicant is, therefore, advised to submit the engineering details referred to in this conditional approval to Mr. A. Byng, Section 38 Manager, Engineering Services, PO Box 236, Hereford, HR1 2ZA at an early date to enable surface water disposal arrangements to be assessed.

- 6 The applicant's attention is drawn to the need to ensure that the provision of the visibility splay(s) required by this consent is safeguarded in any sale of the application site or part(s) thereof.
- 7 The attention of the applicant is drawn to Section 175A(3) of the Highways Act 1980 within which the Highway Authority shall have regard to the needs of disabled persons when considering the desirability of providing ramps at appropriate places between carriageways and footways.
- 8 This planning permission is pursuant to a planning obligation under Section 106 of the Town and Country Planning Act 1990.
- 9 This permission does not imply any rights of entry to any adjoining property nor does it imply that the development may extend into or project over or under any adjoining boundary.
- 10 This permission does not extinguish any rights of way which may exist over the site nor does it imply that such rights of way may be diverted or otherwise altered.
- 11 Your attention is drawn to Section 80 of the Building Act 1984 whereby no demolition may be carried out without proper notice to the local authority and a counter notice issued under Section 81.
- 12 Your attention is drawn to the Party Wall Act 1996. The Act will apply where work is to be carried out on the following:

Work on an existing wall or structure shared with another property

Building a free standing wall or a wall of a building up to or astride the boundary with a neighbouring property

Excavating near a neighbouring building.

The legal requirements of this Act lies with the building/site owner, they must find out whether the works subject of this planning permission falls within the terms of the Party Wall Act. There are no requirements or duty on the part of the local authority in such matters. Further information can be obtained from the DETR publication The Party Wall Act 1996 - explanatory booklet. Copies are available from the Planning Reception, Blueschool House, Blueschool Street, Hereford.

- 13 If you have any queries regarding the archaeological interest of the site or the requirements of the conditions relating to archaeological work, please contact Herefordshire Archaeology, Planning Services, Town Hall, St. Owen Street, Hereford (Tel: 01432-383351).

Ref. 8
HEREFORD
DCCE2003/2814/F
&
Ref. 9
HEREFORD
DCCE2003/2815/C

Demolition of existing house & outbuildings and erection of 11 no. flats with associated car parking:

&
Full demolition of existing buildings and associated single storey outbuildings at:

SOUTHBANK HOUSE, 33 SOUTHBANK ROAD, HEREFORD, HR1 2TL

For: **H. MORGAN PER JAMIESON ASSOCIATES, 30 EIGN GATE, HEREFORD, HR4 OAB**

The Principal Planning Officer reported the receipt of a further objection from a neighbour. The receipt of correspondence from the applicant's agent, in relation to drainage issues, was also reported.

In accordance with the criteria for public speaking, Mr. Leach and Mrs. Horsfield spoke in objection to the applications.

Councillor D.B. Wilcox, a Local Member, noted that a proposal for a similarly positioned and proportioned block of flats had been dismissed on appeal. Councillor Wilcox did not feel that the design of the current proposal preserved or enhanced the character and appearance of the Bodenham Road Conservation Area and, therefore, proposed that the applications be refused. Councillor A.L. Williams, the other Local Member, also expressed concerns about the design of the proposal.

In response to a question, the Central Divisional Planning Officer noted that it was evident from the Inspector's decision letter that assessment of the applications had to be narrowed to design issues.

The Principal Planning Officer explained how this proposal differed from the dismissed scheme. He added that the proposal was now considered acceptable in terms of its impact on the Established Residential Area and Conservation Area.

Councillor P.J. Edwards spoke in support of the Officer's Appraisal.

In response to a question from Councillor Mrs. M.D. Lloyd-Hayes, the Principal Planning Officer commented that there should be less light pollution compared to the original scheme as changes had been made to reduce the areas of glass.

In response to a comment by Councillor Mrs. P.A. Andrews, the Principal Planning Officer confirmed that it was critical that appropriate materials were used and he drew attention to the recommended conditions in respect of external treatments.

In response to comments by Councillor Ms. A.M. Toon, the Central Divisional Planning Officer reiterated that it was evident from the Inspector's decision letter that the impact of the previous proposal on residential amenity, highway safety and landscape features was considered satisfactory. The Principal Planning Officer added that, whilst additional height had been created by the introduction of pitched roofs, the proposal was now considered to have a domestic scale which

respected its context.

A number of Members felt that the proposal addressed a number of previous objections and spoke in support of the applications.

Councillor Wilcox drew attention to the detail of the Inspector's decision letter and expressed a view that the proposal was unacceptable having regard to the guidance given in PPG15 and in local policies.

Councillor Ms. Toon felt that the building would be overbearing and suggested that consideration should be given to reducing the height of the design.

The Principal Planning Officer reminded the Sub-Committee that the Inspector did not feel that the proposal would lead to an unacceptable loss of privacy.

A number of Members felt that consideration of the applications should be deferred for further negotiations with the applicant.

RESOLVED:

That consideration of planning applications DCCE2003/2814/F and DCCE2003/2815/C be deferred.

Ref. 10
HEREFORD
DCCE2003/2210/F

Conversion and extension of existing retirement home to form 14 self-contained flats (11 x 1 bedroom; 3 x 2 bedroom) at:

STRATFORD HOUSE, BODENHAM ROAD, HEREFORD, HR1 2TN

For: **MR. & MRS. WATKINS PER DAVID EDWARDS ASSOCIATES, STATION APPROACH, BARRS COURT, HEREFORD, HR1 1BB**

The Principal Planning Officer advised the Sub-Committee that paragraph 1.2 of the report should refer to '3 x 2 bedroom' and not '3 x 3'. The Principal Planning Officer reported the receipt of 7 further letters of objection.

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

Councillor D.B. Wilcox, a Local Member, noted that the number of units had been reduced from the original proposal but expressed reservations about the limited size of each unit.

The Principal Planning Officer advised that it was considered that the units provided adequate accommodation which, in any event, was a matter for the market to decide.

Councillor A.L. Williams, the other Local Member, noted that there was demand for smaller units but expressed reservations about the intensity of development in this instance.

A number of other Members also expressed concerns about the standard of accommodation.

In response to questions from Members, the Principal Planning Officer advised that: the number of units was appropriate given the size of the building; the proposal would not have a direct impact on the Conservation Area; Building Regulations would deal with fire escape matters; and it was unknown who the likely occupants would be.

A motion to refuse the application on the basis of over-intensive use of the site failed and, with the Chairman using his casting vote, the resolution detailed below was approved.

RESOLVED:

That planning permission be granted subject to the following conditions:

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

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

2. **The development shall be carried out in all respects strictly in accordance with the approved plans (drawing nos. 2949 (proposed elevations), 2949.5C, 2949.6B, 2949.7B, 2949.8B, 2949.12), except where otherwise stipulated by conditions attached to this permission.**

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

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

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

4. **The side elevation "lounge" window of the unit contained in the extension hereby approved shall be glazed with obscured glass.**

Reason: To safeguard the amenities of the adjoining residential property.

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

Reason: To protect the amenity of local residents.

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

Reason: To safeguard residential amenity and prevent pollution.

7. **The front garden area shown as open space on drawing no. 2949.12 shall be permanently retained as open amenity space for the occupiers of the flats and shall not be used for any other purpose.**

Reason: To safeguard the amenities of the Conservation Area

in accordance with Policy HBA6 of the Hereford Local Plan.

8. The basement store area and cages shown on drawing no. 2949.5C shall be permanently retained as a domestic storage area for the occupiers of the flats and shall not be used for any other purpose.

Reason: To accord with the terms of the application and to ensure the proper planning of the site in the interests of amenity.

9. This permission is to be exercised as an alternative to and not in addition to or in combination with any part of the planning permissions issued on 25th July 2000 under reference CE2000/0026/F and 29th November 2001 under reference CE2001/2754/F.

Reason: To accord with the terms of the application and to ensure the proper planning of the site in the interests of amenity.

10. Prior to the commencement of development a scheme for the storage of refuse shall be submitted for the approval of the local planning authority. The approved scheme shall be implemented prior to the first occupation of the development hereby permitted.

Reason: In the interests of amenity.

11. 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.

12. The existing access to the site from Southbank Road shall be used for occasional servicing purposes only and shall not be used for regular entry or exit to the parking areas.

Reason: In the interests of highway safety.

Notes to Applicant:

1. N01 - Access for all
2. N07 - Housing Standards
3. 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 Environment Protection Act 1990.

Ref. 11
WELLINGTON
 DCCW2003/2728/F

Two storey extension to dwelling at:

WOOD VIEW COTTAGE, WELLINGTON, HEREFORDSHIRE

For: **MR. K. TOBIN PER MR. N. LA BARRE, 38 SOUTH STREET,
 LEOMINSTER, HEREFORDSHIRE, HR6 8JG**

Councillor J.C. Mayson, the Local Member, noted the advice that no planning objection could be sustained on this application.

RESOLVED:

That planning permission be granted subject to the following conditions:

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

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

2. **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. **E17 (No windows in side elevation of extension) (east or west elevations).**

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

Ref. 12
FOWNHOPE
DCCE2003/2886/F

Proposed change of use of a former chapel to create 1 no. dwelling and 2 no. car spaces at:

**FERRY LANE CHAPEL, FERRY LANE, FOWNHOPE
HEREFORDSHIRE**

For: **MALVERN PROPERTIES ESTATES LTD., PER INTERPLAN
DESIGN PARTNERSHIP LTD., HALBURY HOUSE, MUCH
BIRCH, HEREFORD, HR2 8HJ**

RESOLVED:

That planning permission be granted subject to the following conditions:

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

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

2. **The development shall be carried out in all respects strictly in accordance with the approved plans (drawing nos. DM/03/CH/02A, /03A, /04A, /05A), except where otherwise stipulated by conditions attached to this permission.**

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

3. The roof lights shall be of the conservation type.

Reason: To safeguard the amenities of the Conservation Area in accordance with Policy C23 of the South Herefordshire District Local Plan.

4. The north-west facing rooflights and existing north-west facing window (serving stairs) shall be glazed with obscured glass and fixed shut.

Reason: To safeguard residential amenity in accordance with Policy GD1 of the South Herefordshire District Local Plan.

5. C07 (Painted finish to windows/doors).

Reason: To safeguard the character and appearance of this building within the Conservation Area.

6. C12 (Repairs to match existing).

Reason: To safeguard the character and appearance of this building within the Conservation Area.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no windows/dormer windows other than those expressly authorised by this permission shall be constructed in any elevation of the property other than those expressly authorised by this permission.

Reason: To safeguard the character and appearance of the building having regard to its location within the Conservation Area and to accord with Policy C23 of the South Herefordshire District Local Plan.

8. F16 (Restriction of hours during construction).

Reason: To protect the amenity of local residents.

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

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

10. There shall be no, direct or indirect, discharge of surface water or land drainage run-off to to the public foul sewer.

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

Notes to Applicant:

1. N03 - Adjoining property rights.
2. N14 - Party Wall Act 1996.

3. 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 01443 331155.
4. The proposed development is crossed by a trunk/distribution watermain. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the Developer.

Ref. 13
HEREFORD
 DCCE2003/2937/F

New industrial unit and driver training centre with service yard and car parking development at:

LAND AT FIR TREE LANE, ROTHERWAS, HEREFORD

For: **HFT FORKLIFTS LTD., PER MR. P.C. MOSELEY, RIBA, THE OLD POST OFFICE, 29D PARK ROAD, BARRY, VALE OF GLAMORGAN, CF62 6NX**

The Principal Planning Officer reported the receipt of correspondence from Dinedor Parish Council.

RESOLVED:

That planning permission be granted subject to the following conditions:

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

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

2. **The development shall be carried out in all respects strictly in accordance with the approved plans (drawing nos. 1201/AL/11/B, /12/A, /13/A, /14, /15/A, 16/A), except where otherwise stipulated by conditions attached to this permission.**

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

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

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

4. **The maintenance, repair, servicing and/or preparation of fork lift trucks and/or other vehicles shall not take place anywhere on the application site other except within the "workshop" as shown on drawing no. 1201/AL/12/A. The instruction in use of fork lift trucks and/or other vehicles shall not take place anywhere on the application site except within the "driver training centre" as shown on drawing no. 1201/AL/12/A and the "external rough terrain driver training area" as shown on drawing no. 1201/AL/11/B.**

Reason: To protect the amenities of nearby properties.

- 5. F15 (Scheme of noise insulation).**

Reason: To safeguard the amenity of the area.

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

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

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

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

- 8. F27 (Interception of surface water run off).**

Reason: To prevent pollution of the water environment.

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

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

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

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

- 11. 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.

- 12. 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. HN05 - Works within the highway (South).**
- 3. 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 01443 331155.**
- 4. The site is crossed by a trunk/distribution watermain. The applicant is advised to contact Dwr Cymru Welsh Water's Network Development Consultants regarding the exact location and any requirements.**

Ref. 14
HEREFORD
DCCW2003/2792/F

Proposed conversion of buildings into 3 dwellings at:

HOLMER PARK, OFF ATTWOOD LANE, HEREFORD

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

The Principal Planning Officer reported that further information was required by statutory consultees and, therefore, it was requested that consideration of this application be deferred.

In accordance with the criteria for public speaking, Mr. Owen had registered to speak on behalf of Holmer Parish Council but decided to defer his opportunity to speak until this application was considered again.

RESOLVED:

That consideration of planning application DCCW2003/2792/F be deferred.

Ref. 15
HEREFORD
DCCW2003/2671/F

Single storey extension to form cardio training room at:

HOLMER PARK OFF ATTWOOD LANE AND CLEEVE ORCHARD, HEREFORD

For: **MR. D. EDWARDS, DAVID EDWARDS ASSOCIATES, STATION APPROACH, HEREFORD**

The Principal Planning Officer advised that a condition would be added to any planning permission granted to ensure that windows associated with this application were non-opening.

RESOLVED:

That planning permission be granted subject to the following conditions:

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

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

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

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

3. **F02 (Scheme of measures for controlling noise).**

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

REF. NO.	APPLICANT	PROPOSAL AND SITE	APPLICATION NO.	PAGE NO.
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DEFERRED APPLICATIONS

1	H. Morgan	Demolition of existing house & outbuildings and erection of 11 no. flats with associated car parking at Southbank House, 33 Southbank Road, Hereford, HR1 2TL	DCCE2003/2814/F	45
2	H. Morgan	Full demolition of existing buildings and associated single storey outbuildings at Southbank House, 33 Southbank Road, Hereford, HR1 2TL	DCCE2003/2815/C	45

APPLICATIONS RECEIVED

3	Tarmac Limited	Extraction of sand and gravel; erection of aggregate processing plant and ancillary facilities / infrastructure; construction of new access; diversion of utility services and continued use of rail sidings for loading / dispatch of aggregates at land at Moreton Depot, off A49, Moreton on Lugg, Herefordshire	CW2002/3058/M	55
4	Mr. & Mrs. Lancett	Change of use of land for domestic curtilage together with retention of summerhouse at Marshfield Cottage, Cross Keys, Herefordshire, HR1 3NN	DCCE2003/2935/F	77
5	Trustees of Lugwardine Education Centre	Modification of planning obligations under S.106A dated 17/01/92 and 28/08/96. Obligations:- to not cause or permit any person other than an elderly person or chronically sick or disabled person to reside within any part of property or any extension thereto at land to south-west side of Lugwardine Court Orchard at Lugwardine Court, Lugwardine, Herefordshire, HR1 4AE	DCCE2003/3285/G	81
6	Mr. J.W. Locke	First floor bedroom extension and lift for disabled use to side of property at 24 Hopton Close, Bartestree, Herefordshire, HR1 4DQ	DCCE2003/2159/F	85

REF. NO.	APPLICANT	PROPOSAL AND SITE	APPLICATION NO.	PAGE NO.
7	Greatwest Investments Ltd.	Proposed erection of B1 (offices and light industry) and B8 (wholesale storage distribution) floorspace at Moreton Park, Moreton-on-Lugg, Hereford, HR4 8DS	DCCW2003/1332/O	91
8	Hereford Cathedral School	Temporary erection of one metal container to provide storage for tractor and associated implements (previous approval no. CW2000/0783/F) at Donkey Sanctuary, Belvedere Lane, Hereford	DCCW2003/3376/F	99
9	Church of Jesus Christ of Latter Day Saints	Retention of an existing 1200mm diameter satellite dish at Church of Jesus Christ of Latter Day Saints, Kings Acre Road, Hereford, HR4 0SD	DCCW2003/3399/F	103

1 DCCE2003/2814/F - DEMOLITION OF EXISTING HOUSE & OUTBUILDINGS AND ERECTION OF 11 NO. FLATS WITH ASSOCIATED CAR PARKING AT SOUTHBANK HOUSE, 33 SOUTHBANK ROAD, HEREFORD, HR1 2TL

2 DCCE2003/2815/C – FULL DEMOLITION OF EXISTING BUILDINGS AND ASSOCIATED SINGLE STOREY OUTBUILDINGS AT SOUTHBANK HOUSE, 33 SOUTHBANK ROAD, HEREFORD, HR1 2TL

For: H. Morgan per Jamieson Associates, 30 Eign Gate, Hereford, HR4 OAB

Date Received: 3rd October 2003

Ward: Aylestone

Grid Ref: 52084, 40440

Expiry Date: 28th November 2003

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

These applications were deferred by Members at the Central Area Planning Sub-Committee meeting on 1st December 2003 in view of concerns that the building would be 'overbearing'. As a consequence further discussions have taken place with the agent but no amendments made.

For the reasons set out in the report below it is considered that the proposal would not be overbearing having regard to the retained spaces to the front, rear and sides of the building, and the relative impact of the existing 'house' on the site. The basic shape of the proposed building is very similar to that dismissed previously at appeal (with the exception of a slight increase in height to accommodate the low pitched roofs which is not considered material).

In reaching his decision to dismiss the appeal the Inspector did not raise overbearing impact as an issue (indeed, the Inspector raised no privacy related objection at all). Likewise, in refusing planning permission for the earlier proposal, the Sub-Committee did not raise overbearing impact as an issue, the reason for refusal relating only to design and impact on the Conservation Area. The introduction of this new reason for objecting to the development would, it is considered, not only to be unsustainable in planning terms, but also unreasonable in the light of the recent planning history.

1. Site Description and Proposal

1.1 The 0.15 ha 'backland' site is located on the north side of Southbank Road, accessed by a private service road which also serves three other residential properties. It is surrounded by established residential development - to the north-east, 18 Belgravia Gardens; to the south-east, the access drive, and beyond this, 35 and 37 Southbank Road; to the south-west, 31a Southbank Road; and to the north-west, 14 Aylestone Drive and 23 Southbank Road.

- 1.2 The site supports a large 3/4 storey period house divided into four flats but presently vacant. To its rear (and on the boundary with 14 Aylestone Drive and 23 Southbank Road) are a row of linked single storey and two storey outbuildings. The majority of the open parts of the site are hard-surfaced for car parking. Ground levels generally fall across the site from north to south - the boundary with 18 Belgravia Gardens being defined by a 2-2.5m high retaining wall topped with a panel fence, and the boundary with 31a Southbank Road by a 0.5-1.5m high retaining wall topped by a low fence to the side of the house and gappy hedge to the rear.
- 1.3 The site has two existing vehicular accesses from the private access drive, and the front 'boundary' supports several mature trees.
- 1.4 The proposal is to demolish the existing buildings and erect eleven two bedroom flats together with parking courts for 17 vehicles. The flats would be contained in a single building ranging between 3 and 4/5 storeys. It would be orientated with principal elevations facing the access drive to the front and 14 Aylestone Drive and 23 Southbank Road to the rear.
- 1.5 The design/form of the proposed building is three simple blocks linked by service towers. The blocks would be staggered, that nearest to 18 Belgravia Gardens being farthest forward. The central block would be 4/5 storeys (including basement visible only from the rear (and set into the sloping ground)), the north block 3 storeys, and the south block also 3 storeys but with a lower overall height due to the change in levels. The blocks would be finished with shallow pitched roofs giving an overall height of approximately 13m (approximately 1m higher than the original building), whilst the service towers would have flat roofs. The fenestration would have vertical emphasis with sash windows and bays to the rear and sliding doors/railings to the front.
- 1.6 The car park courts would be laid out to the front (3 spaces) and rear (14 spaces) providing 1.5 spaces per flat. The rear court would run the full length of the rear boundary of the site with the existing boundary wall retained and/or improved with a close boarded fence. The drive to the rear court would run alongside the proposed building and common side boundary with 31a Southbank Road, with a 2m wide margin retained for screen planting. The existing accesses from the private drive would be increased in width, this requiring removal of one of the mature trees. The open parts of the site would be landscaped.

2. Policies

2.1 Planning Policy Guidance:

PPG3	-	Housing
PPG15	-	Planning and the Historic Environment

2.2 Hereford Local Plan:

Policy ENV14	-	Design
Policy H3	-	Design of new Residential Development
Policy H6	-	Amenity Open Space in Smaller Schemes
Policy H7	-	Communal Open Space
Policy H12	-	Established Residential Areas
Policy H13	-	Established Residential Areas
Policy H14	-	Established Residential Areas
Policy CON12	-	Conservation Areas

Policy CON13	-	Conservation Areas
Policy CON14	-	Planning Applications in Conservation Areas
Policy CON16	-	Conservation Area Consent
Policy CON17	-	Conservation Area Consent
Policy CON19	-	Townscape

2.3 Herefordshire Unitary Development Plan (Deposit Draft):

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S3	-	Housing
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy H13	-	Sustainable Residential Design
Policy H14	-	Re-using previously Developed Land and Buildings
Policy H15	-	Density
Policy H16	-	Car Parking
Policy HBA6	-	New Development within Conservation Areas
Policy HBA7	-	Demolition of Unlisted Buildings in Conservation Areas

3. Planning History

- 3.1 CE2002/2197/F - Demolition of existing house and outbuildings. Erection of 12 flats with associated car parking - withdrawn 20th September, 2002.
- 3.2 CE2002/2193/C - Full demolition of existing building and associated single storey outbuildings - withdrawn 20th September, 2002.
- 3.3 CE2003/3088/F - Demolition of existing house and outbuildings. Erection of 11 flats with associated car parking - refused 15th January, 2003; appeal dismissed 18th July, 2003.
- 3.4 CE2002/3089/C - Full demolition of existing building and associated single storey outbuildings - refused 15th January, 2003; appeal dismissed 18th July, 2003.

4. Consultation Summary

Statutory Consultations

- 4.1 Dwr Cymru Welsh Water: No objection subject to conditions.

Internal Council Advice

- 4.2 Head of Engineering and Transportation: No objection subject to conditions.
- 4.3 Chief Conservation Officer: No objection on landscape, archaeology and impact on existing trees. The demolition of Southbank House in principle is supported, provided that the replacement is of a quality which will at least preserve, but preferably enhance, the character of the Conservation Area. The present proposal is a partial re-working of the original scheme which was originally refused and dismissed on appeal. Despite that background, reiterate support for the principle of the approach and the design of that original scheme.

4.4 Head of Strategic Housing Services: Supports application as it supports the housing ambitions of the Herefordshire Plan and meets the current strategic objectives of the Empty Property Strategy by bringing empty properties back into residential use.

5. Representations

5.1 Hereford City Council: Objection; considered to be an over intensive use of the site. The proposed access to the rear of the site appears to be via a sub-standard track which in turn presents problems of safe access on to Southbank Road.

5.2 CAAC: The proposed flats fit in well with the site and the proposal flows down the contour. The elevations with bay windows and balconies and pitched roofs harmonise with the surrounding properties. It is noted that the scheme will have little impact on the Conservation Area and adjoining houses due to its location. The materials shown are welcomed.

5.3 Twelve objection letters have been received from 23 (x 5), 31, 31a, 35 and 54 Southbank Road; 1 and 3 Bodenham Road; and 3 Belgravia Gardens summarised as follows:

- previous application refused and dismissed; current proposal substantially the same; token effort only to meet Inspector's objection;
- no adequate case for demolishing existing building which could be restored and preserve character of Conservation Area;
- in considering impact on Conservation Area, entire Conservation Area should be taken into account comprising large Victorian houses (red brick and slate) with substantial gardens and trees; proposed building would stand out as totally different to its neighbours and detract from the character of the Conservation Area;
- detrimental to sustainability of Conservation Area and set precedent for similar development in Conservation Area; Conservation Area boundary specifically includes site;
- no way of enforcing traffic control on access road which must remain private;
- proposal would contribute to traffic congestion in area and endanger users of highway;
- metal is not a traditional local material for pitched roofs; pitched roofs would raise height to detriment of views; materials (including rendering) are inappropriate;
- light pollution from windows (specifically stairwells);
- insufficient amenities/gardens for occupiers and out of keeping with area;
- removal of rear buildings would make boundary wall dangerous which is important feature of Conservation Area;
- not in-keeping or in-scale with surrounding 'domestic scale' development; materials not in-keeping with Conservation Area and costly to maintain;
- noise disturbance to the detriment of amenity;
- does not reverse the trend for hardsurfacing of gardens in area;
- insufficient sewer capacity;
- overlooking and unneighbourly relationship with adjoining houses;
- high density development inappropriate in area;
- water run off problems;
- adequacy of foul water drainage system not demonstrated.

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 impact of the proposal on the character of the area and the Conservation Area, the adequacy of the site to accommodate development at the scale and density envisaged, residential amenity, highway safety and drainage. Additionally, and specifically with regard to the application for Conservation Area Consent, a further issue is the acceptability of demolition of the existing buildings on the site.
- 6.2 An important material consideration is the recent dismissed appeal decision for the erection of a similarly positioned and proportioned block of 11 flats and associated parking on the site. In his decision letter states the following:

“Despite my decision I would emphasise that the proposal has much to commend it. Firstly, because most professional opinion clearly supported the appellant’s claim that the proposed building is, in architectural terms, “a high quality scheme” Secondly, because, in spite of claims to the contrary, nothing I saw on site suggested that the proposal would lead to an unacceptable loss of privacy, for all areas in question were to some not insignificant extent, already overlooked – nor did I find that the proposal would lead to unacceptable levels of danger or inconvenience to other road users. Thirdly, because it was shown that it would not make economic sense to repair the existing building which is something of an eyesore. Fourthly, because the proposed development would not involve the loss of any landscape features of importance and, finally, because in its overall size and location it would not appear to be unacceptably out-of-place with its neighbours.

However, despite the foregoing, and despite finding that the conservation area consisted mainly of large, late Victorian villas interspersed with areas of relatively modern housing, I have determined to dismiss the appeal for the following reason.

Basically Government advice, in PPG15 paragraph 4.17, states that while new buildings in conservation areas should not directly imitate earlier styles, they should, nevertheless, be designed with respect for their context, as part of a larger whole which has a well-established character and appearance of its own. Consequently, while development in the area can reasonably be held to consist of a veritable gallimaufry of building forms inspection showed that these variants do, nevertheless, have a common denominator in that they all retain a domestic scale and have a traditional vernacular appearance. As a result no building, regardless of its size, stands out as being visually intrusive. However, such would not be the case with the proposed building which would, largely on account of its non-traditional flat roofs and large areas of glass walling, stand out as being totally different to its neighbours.

As a result, while the proposed building may well be a fine piece of architecture, it cannot reasonably be said to respect the character of the area or be in visual harmony with its neighbours. Because of this I have concluded that it would neither preserve, nor, on balance, enhance the character and appearance of the Bodenham Road Conservation Area. I have therefore determined that the proposal is in unacceptable conflict with the guidance given in PPG15 and unacceptably in conflict with policies ENV14, H12, H14 and CON13 of the 1996 Hereford Local Plan.”

- 6.3 It is evident from this appeal decision that, as far as the Inspector was concerned, the impact of the previous proposal on residential amenity, highway safety and landscape features was satisfactory. The circumstances of the current application in terms of the general layout of the site (including access and parking), the number of units, and landscape features is broadly identical to the previous scheme. Likewise, there have been no changes in wider policy and guidance since the appeal decision was made some five months ago. Consequently, it is considered that an objection now for these reasons could not be sustained. The slight increase in the height of the proposed building through pitched roofs is not considered sufficiently significant to introduce a privacy objection at this time.
- 6.4 The determining issue is, therefore, the acceptability or otherwise of the impact of the amended design now proposed on the character and appearance of the area having regard to the designation as an Established Residential Area and Conservation Area. With this defined, particularly relevant policies are H12, H14, CON12, CON13, CON16 and ENV14 of the Local Plan.
- 6.5 Policy H12 of the Local Plan requires the environmental character and amenity of the Established Residential Areas to be protected and where appropriate enhanced. Policies H13 and H14 set out detailed criteria for new residential development requiring, in particular, appropriate relationships with adjoining properties, adequate access and car parking provision, adequate amenity space, appropriate layout and design including the physical scale of new buildings, appropriate density, and landscaping.
- 6.6 Policy CON12 requires particular attention to be paid to the desirability of preserving or enhancing the character and appearance of the Conservation Area, and Policy CON13 resists proposals which would not achieve this aim. Specifically Policy CON13 requires development to be of a high standard of design, in scale and in keeping with adjacent buildings and the area as a whole, constructed in materials and finishes appropriate to the character of the area and for uses compatible with the area. Policy ENV14 requires new development to respect its wider setting.
- 6.7 In relation to demolition, Policy CON 16 states that proposals will be considered with regard to the intrinsic merit of the existing building, the contribution the building makes to the special architectural or historic interest of the area, and any aesthetic and other advantages accruing from demolition. Where demolition is proposed to be followed by redevelopment, consent will only be granted where there are acceptable and detailed plans for the redevelopment of the site.
- 6.8 The proposed building differs from the dismissed scheme in that shallow pitched roofs with decorative fascias and Terne coated stainless steel external finish have been introduced on the three blocks (replacing the previously proposed flat roofs), and changes made to the fenestration to reduce the areas of glass. The fenestration details include bay projections on the rear elevation and more traditional sash windows, and small balconies with mild steel painted balustrading to the front elevation. Raised plinths have been introduced at each floor level to be coloured white, the remainder of the walls to be buff-coloured render except on the ground floor where facing bricks would be used.
- 6.9 As a consequence of these changes the external appearance of the building has completely changed being now more traditional at least in the detailing, and with greater vertical emphasis than before. The basic size and shape of the building

remains unchanged with the exception of the additional height created by the pitched roofs.

- 6.10 Having regard to the Inspector's decision letter, it is considered that through these detailed changes the proposal is now acceptable in terms of its impact on the Established Residential Area and Conservation Area (although subject to further review of materials – see paragraph 6.11). Specifically, it is considered that by introducing pitched roofs, bay and sash windows, and railings to balconies the architect has changed the emphasis in the design from ultra-modern to modern-traditional, this paying greater regard to local vernacular. The building would continue to be 'modern' and consequently distinct from its neighbours, although to an acceptably lesser extreme than previously proposed and to an extent which respects the existing visible evolution of building design in the area. With specific regard to the Inspector's comments, it is considered that the proposal now has a 'traditional vernacular appearance' through reduced areas of glass and flat roofs, and consequently would no longer be 'visually intrusive'.
- 6.11 Regarding the size of the proposed building, it is inevitably larger than that existing. However, through its staggered 'three box' design and contrasting vertical emphasis to the 'boxes', it is considered to now have a domestic scale, reading as three town houses rather than a single block as before. For this reason, the size is considered acceptable and appropriate within its context. Careful and clever use of materials would enable the distinction between the blocks to be further exaggerated, and materials should, therefore, be reserved, notwithstanding those specified in the application particulars.
- 6.12 The Conservation Officer considers the proposal to be an unacceptable compromise in design terms between modern and pastiche, and a step backwards from the original scheme. The original scheme has, however, been refused and dismissed at appeal and, as such, is not an available option. The proposal now under consideration is without question a compromise, but for the reasons given is considered to address the previous objections.
- 6.13 PPG15 provides important guidance on the design of new development in Conservation Areas. The guidance states that many Conservation Areas include buildings that make no positive contribution to the character or appearance of the area, and that their replacement should be a stimulus to imaginative, high quality design, and seen as an opportunity to enhance the area. More specifically the PPG states that what is important is not that new buildings should directly imitate earlier styles, but that they should be designed with respect for their context, as part of a larger whole which has a well-established character and appearance of its own.
- 6.14 For the reasons set out above it is considered that the proposed building does now respect its context and, as such would not appear intrusive or alien. The existing site, although once a grand property in its own right, makes no positive contribution to the Conservation Area (indeed, the Inspector described it as an 'eyesore' which 'it was shown would not make economic sense to repair'). Having regard to policy and guidance it is, therefore, concluded that the proposal would now enhance the character and appearance of the Conservation Area and Established Residential Area.
- 6.15 Regarding foul water drainage, it is proposed to link the development to the mains sewer in Southbank Road to which Welsh Water raises no capacity objection. A private link between the application site and the mains sewer would be required comprising either any existing link or, if this is not suitable, a new link. If a new link

would cross any third party land then this is a private matter between the applicant and the parties concerned. In view of local concern a condition is recommended requiring details of the foul water drainage arrangements to be submitted for approval.

RECOMMENDATION

In respect of DCCE2003/2814/F:

That planning permission be granted subject to the following conditions;

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

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

2. **The development shall be carried out in all respects strictly in accordance with the approved plans (drawing nos. 3772.P20, .P21, .P24, .P25, .P26, .P27, and .P28) except where otherwise stipulated by conditions attached to this permission.**

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

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

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

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

Reason: To protect the amenity of local residents.

5. **E18 (No new windows in specified elevation) (south-weest and north-east facing)**
Reason: In order to protect the residential amenity of adjacent properties.

6. **The south-west and north-east facing side elevation windows shall be glazed with obscured glass and fixed shut.**

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

7. **Notwithstanding the details shown on the approved drawings, full details of the intended treatments of the rear (south-west) boundary of the site shall be submitted for approval in writing by the local planning authority prior to the commencement of any other works, and the intended treatment shall be carried out as approved prior to occupation of the units.**

Reason: The application contains insufficient information for the satisfactory approval of this detail at this stage.

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. F22 (No surface water to public sewer).

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

10. F48 (Details of slab levels).

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

11. G02 (Landscaping scheme (housing development)).

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

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

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

13. G18 (Protection of trees).

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

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

Reason: To minimise the likelihood of indiscriminate parking 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. F18 (Scheme of foul drainage disposal).

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

Notes to Applicant:

1. HN19 - Disabled needs.

2. The applicant is advised to ensure that there are no bats or other protected species in the existing buildings prior to their demolition. It is an offence to kill or injure protected species and their habitats. If protected species are found then English Nature should be contacted and their requirements met.

3. N01 - Access for all.

- 4. N03 - Adjoining property rights.
- 5. N13 - Control of demolition - Building Act 1984.
- 6. N14 - Party Wall Act 1996.

In respect of DCCE2003/2815/C:

That Conservation Area Consent be granted subject to the following conditions:

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

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

- 2. C14 (Signing of contract before demolition).

Reason: Pursuant to the provisions of Section 17(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

3 CW2002/3058/M - EXTRACTION OF SAND AND GRAVEL; ERECTION OF AGGREGATE PROCESSING PLANT AND ANCILLARY FACILITIES / INFRASTRUCTURE; CONSTRUCTION OF NEW ACCESS; DIVERSION OF UTILITY SERVICES AND CONTINUED USE OF RAIL SIDINGS FOR LOADING/DISPATCH OF AGGREGATES AT LAND AT MORETON DEPOT, OFF A49, MORETON ON LUGG, HEREFORDSHIRE

**For: Tarmac Limited per SLR Consulting Limited,
Strelley Hall, Main Street, Strelley Village, Nottingham,
NG8 6PE**

Date Received: 16th October 2002 Ward: Wormsley Ridge Grid Ref: 50345, 47374

Expiry Date: 5th February 2003

Local Member: Councillor J.C. Mayson

1. Site Description and Proposal

- 1.1 The application site is approximately 5 kilometres north of Hereford and 11 kilometres south of Leominster and immediately to the north of Moreton-on-Lugg. Wellington and Marden are about 1.5 kilometres to the north-west and north-east respectively from the centre of the site. The application area itself is 34 hectares in extent, irregular in shape and generally flat. About one third, the southern part, is agricultural land, the remainder is part of a former MoD Depot. There is a mixture of hardstanding, steel framed buildings, Romney huts, tracks and disused railway lines with patches of open land and scrubby woodland within the site. It is bounded by the A49 and the Wellington Marsh SWS to the west, Wellington Gravel Pit to the east and agricultural land to the immediate north and south. The former MoD Depot, now in a mixture of business uses lies to the south-east. The River Lugg SSSI cSAC is about 400 metres away to the east at its nearest point.
- 1.2 The nearest houses are five Almshouses to the immediate north, Yew Tree House, in the middle of the western boundary and the settlement of Wellington Marsh to the immediate south-west.
- 1.3 The application is to extract just over 2,000,000 tonnes of gravel (from about 27 hectares of the site) in phases over a 10 year period. The site would be concurrently restored to create a mixture of wetland and woodland habitats based around two large lakes. Workable deposits of sand and gravel vary between 3 and 7 metres in depth across the site. The proposal is to clear and process existing hardstandings etc., strip and store soils and extract material by dragline and conveyors, without dewatering the site. The application also includes a proposed concrete batching plant, office, mess, stores, weighbridge, fuel store and electrical transformers and sub-stations.

- 1.4 Access to the site is possible through the existing access to the former MoD camp but the application includes a proposal to create a new access and new roundabout onto the A49 between the Almshouses and Yew Tree House. Planning permission already exists for the creation of an aggregate rail loading depot within the application area. That permission allows for the importation of crushed limestone from the Company's quarries at Dolyhir and Gore, near Kington. By direction of the Highways Agency this permission is limited to the transportation of 120,000 tonnes per annum and to expire in 2009. The application includes a proposed variation to operate this permission for the life of the sand and gravel extraction. It is anticipated that the sand and gravel extracted from the site would supply local demand and would therefore be transported by road. However, transportation by rail would be considered by the operator if he considered it appropriate.
- 1.5 The application is accompanied by a statutory Environmental Statement. The proposal now brought forward to the Sub-Committee for determination is the result of long negotiations between Officers, the applicant and consultees.

2. Policies

2.1 Minerals Planning Guidance:

- MPG1 - General Considerations and the Development Plan System
 MPG7 - (Revised) The Reclamation of Mineral Working

2.2 Hereford and Worcester Minerals Local Plan:

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

2.3 Hereford and Worcester County Structure Plan:

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

2.4 Herefordshire Unitary Development Plan (Deposit Draft):

- Policy S1 - Sustainable Development
 Policy S2 - Development Requirements
 Policy S9 - Minerals
 Policy DR3 - Movement
 Policy DR4 - Environment
 Policy DR6 - Water Resources

Policy DR9	-	Air Quality
Policy DR10	-	Contaminated Land
Policy DR11	-	Soil Quality
Policy DR13	-	Noise
Policy DR14	-	Lighting
Policy T4	-	Rail Freight
Policy S7	-	Natural and Historic Heritage
Policy LA2	-	Landscape Character
Policy LA6	-	Landscaping
Policy NC1	-	Nature Conservation
Policy NC2	-	Sites of International Importance
Policy NC3	-	Sites of National Importance
Policy NC4	-	Sites of Local Importance
Policy NC5	-	European Protected Species
Policy NC8	-	Habitat Creation
Policy NC9	-	Management of Landscape
Policy ARCH1	-	Archaeological Assessments
Policy ARCH6	-	Archaeological Recording

3. Planning History

- 3.1 CW2001/3080/M granted 18th July 2002. Establishment of rail loading depot for the transportation of aggregates.

CW2002/3190/M granted 10th December 2002. Replacement and realignment of rail lines etc.

SH95/107SZ granted 19th July. 1996 CLEUD issued for B8 use at appeal.

Former MoD Rail Distribution and Training Depot

4. Consultation Summary

Statutory Consultations

- 4.1 Highways Agency has no objection subject to a Direction that if planning permission is granted it has to be in accordance with conditions prescribing the formation of a new roundabout and specified access details.
- 4.2 English Nature has no objection but expresses concern about the need for pollution control. The proposed reed beds are welcomed. The importance of resolving the extent of the presence of Great Crested Newts, following the appropriate licensing procedures is stressed. The need to assess any likely significant affect on the River Lugg SSSI cSAC is stressed.
- 4.3 River Lugg Internal Drainage Board do not consider that the application would affect the River Lugg SSSI cSAC subject to confirmation of details and protection of routes and rates of surface water discharges.
- 4.4 Transco notes the presence of a high pressure pipeline nearby but explain that it was re-routed in order to avoid areas likely to be affected by future extraction and should not be affected.

- 4.5 Railtrack note the nearest railway is 330 metres away from the site and have no wish to comment.
- 4.6 HSE have no wish to comment.
- 4.7 Hyder for Dwr Cymru/Welsh Water have no wish to comment.
- 4.8 Countryside Agency do not wish to comment.
- 4.9 DEFRA note that the site was previously developed as a military depot, welcome the proposals to save the top metre of soil and consider that these soils would be useful for restoration to a nature conservation use.
- 4.10 Forestry Commission do not consider that the proposal would affect the ancient semi-natural woodland nearby and have no comment other than to emphasize that it is Government policy that trees lost through development should be replaced.
- 4.11 Hereford & Worcester Earth Heritage Trust have no objections and welcome the proposal from a geological and geomorphological proposal and recommend that stockpiles of excavated material are retained on site as an educational resource.
- 4.12 Herefordshire Nature Trust have no objection but comment on the need to direct the reclamation to achieve the maximum wildlife and BAP gains.

Internal Council Advice

- 4.13 Head of Engineering and Transportation (Transportation) does not wish to restrict the grant of permission so far as highway issues are concerned.
- 4.14 PROW comment that the application does not appear to affect any public footpaths but emphasize the need to protect their condition and use from associated works.
- 4.15 Chief Conservation Officer has suggested a number of changes to the proposal which have either been agreed or can be incorporated into conditions – does however express particular concern that substantial archaeological mitigation is both necessary and achievable. The general area of the proposal is one of considerable archaeological sensitivity and has particularly high potential for the presence and recovery of important buried archaeological deposits and features of pre-medieval date. The palaeo-environmental remains, such as peat and waterlogged materials from antiquity, contain a wealth of significant information about the historic environment and the people within it. Major archaeological discoveries have been made nearby, for instance human remains of Iron Age date and Roman and Mid-Saxon mill sites at Wellington Quarry.

As a result of full and productive discussions between the applicants and the local planning authority, prior to and during the course of the proposal; it has been possible to achieve firm in principle agreement on an acceptable archaeological mitigation scheme, to achieve appropriate 'preservation by record' in accordance with PPG16 Section 24. In summary, the archaeological mitigation should consist of the following. Intermittent archaeological observations and recording of the development the north-western sector, more intensive recording and investigation of the development of the more important eastern and particularly south-eastern sector, and formal archaeological excavation, prior to any development in that location, of the especially important mid southern sector. A condition is imposed accordingly.

4.16 Head of Environmental Health & Trading Standards has no objections; notes the potential for adverse impacts on local people through noise and dust emissions and private water abstractions and recommends that conditions are imposed to protect these.

5. Representations

5.1 Wellington Parish Council: object to the proposal on the grounds of highways issues; notably the effects of increased traffic especially HGV's on traffic flows, from additional noise and in adding to the risk of accidents, particularly along the narrow stretch of non-dual carriageway through Wellington Marsh but strongly support the proposals to move extracted material by rail. They consider that the hypothetical accident figures are understated and the (originally) proposed ghost island inadequate. They are also concerned about the risk to pedestrians, inadequate footway and cycleway proposals and the effect on the environment. Particular concerns are noise, hours of working, dust production, risk to water supplies, need for further screening and the lack of benefits to local people. With regard to the railhead they consider that the possible local benefit in the use of the proposed railhead in the future is to be welcomed. The Parish Council also question the adequacy of the application plan boundary definition towards the rest of the site.

5.2 Moreton-on-Lugg Parish Council: has no objection but believes that it is essential for improvements to be made to the A49 to accommodate the increase in traffic.

5.3 Marden Parish Council: express concern about the need to clarify the length of time the concrete batching plant is to be retained, effects of noise and dust on residents to the west of the parish, the need to limit traffic through Marden village and the hours of working.

5.4 CPRE: reluctantly accept that the proposal is in line with the current Minerals Local Plan and probably represents the least damaging environmental option. They do not oppose it but request the imposition of conditions to protect residential amenity and the wider environment. The proposals for restoration and aftercare are welcomed but should be conditioned and adequately maintained.

5.5 Letters of objection have been received from 19 local people. Summarised the principal points made relate to:

- the traffic and highway safety implications of the increase of traffic particularly because of the speed and volume of existing traffic levels
- the risk the additional access proposals could cause to pedestrians, children, cyclists and other drivers
- the danger from the deposition of mud on the road
- the increase in background traffic noise and disturbance
- the potential increase in accident numbers and concern that the accident rate in the application is understated
- reductions in the quality of life from the increase in activity on site

- the need for the A49 to be realigned behind the properties along it, notably the Almshouses
 - the general inadequacy of the highway proposals and inconsistency with other decisions on the A49
 - the potential for structural damage to adjoining houses from the increased traffic
 - effect on orchids on Wellington Marsh
 - disturbance from noise, particularly from the long hours of working
 - dust
 - effects on amenity, vegetation, gardens, health, enjoyment of properties and the peaceful and rural character of Wellington Marsh
 - effects on groundwater supplies and requests for compensation
 - visual intrusion, especially on the landscape
 - the need for the retention of the existing leylandii along the A49
 - the lack of benefit for local people
 - effects on Human Rights and a request that the application is called-in by the Secretary of State.
- 5.6 A petition signed by 34 people, some of whom have written individually has also been submitted stating "We, the undersigned, object to the planning application at Moreton Depot for the extraction of sand and gravel. We consider that it would be a retrograde step to safety on the A49 and an unacceptable increase in noise and dust pollution level, preventing the original proposed by-pass of Wellington being completed."
- 5.7 A representation has also been made by Mr. Pike of 9 Derside Close, Wellington Marsh that the application and certificates have been incorrectly completed and that the former Councillor, Mr. Makin's role had not been clarified. The County Secretary and Solicitor has investigated these issues and found that no criticism whatsoever could be made of Mr. Makin or that any impropriety had occurred with regard to the application certificates.
- 5.8 A letter has also been received from Mr. S.D. Powell of 28 Barton Road, Hereford, expressing concern about land ownership issues; the revised roundabout proposals appear to mean that these are no longer relevant.

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

6. Officers Appraisal

- 6.1 The application needs to be considered under a number of headings effect on the River Lugg SSSI cSAC, Minerals Local Plan – especially the extent of the Preferred Area for Extraction in the Plan, the Regional Plan and Draft UDP context, the effect of

the proposal on matters of acknowledged importance and the adequacy and appropriateness of the proposed restoration.

6.2 Effect on the River Lugg SSSI/cSAC

The protection of the River Lugg and the European protected species associated with it is of the highest importance. Gravel workings have the potential to affect the river in a range of ways notably by reducing groundwater flows through dewatering and evaporation from newly formed water bodies, introducing pollution and from disturbance to habitats. English Nature, the Environment Agency and the River Lugg Internal Drainage Board have all expressed concern about these matters and have been involved in discussions about the issues. In this case the river is about 400 metres from the nearest part of the site and all of the above have agreed that subject to the imposition of conditions, there should be no adverse effect from the proposal on the River Lugg or the European protected species associated with it.

6.3 Minerals Local Plan

Preferred Area for Extraction:

The Minerals Local Plan identifies a number of Preferred Areas for Extraction and was based on the assumption that these would need to be given permission before 2004, in order to ensure that the County can maintain sufficient contributions to the Region's need for sand and gravel. The only Preferred Area proposed in the Minerals Local Plan in Herefordshire, not yet given permission, is that at Moreton-on-Lugg. The application area covers about two thirds of the Preferred Area in the Plan. Policy 1 of the Local Plan states that "(in) Preferred Areas for sand and gravel extraction, planning permission will be granted subject to an evaluation against other relevant Development Plan policies." The principle for granting permission subject to that proviso is therefore clear.

Areas Outside the Minerals Local Plan Preferred Area:

The application includes two areas on the western boundary of the site which were not included as Preferred Areas in the Minerals Local Plan. Where application areas are large and the proposals are complex and in phases, it is possible to consider aspects of them separately. In this case the areas outside of the Preferred Areas for extraction are not so large that if they were refused they would necessitate the refusal of the whole application. These areas can therefore be considered separately and must principally be considered in a context of the Minerals Local Plan Policy 2. The policy states in essence that where sites are subject to "defined" constraints permission will not normally be granted. In this case the shape of the excluded areas is defined by one primary constraint - that a buffer strip should be created 200 metres from the boundary of groups of six or more dwellings. The excluded areas are not affected by any other constraints. The Minerals Local Plan requires that applicants should provide a full justification for areas of application outside of a Preferred Area. In this case the applicant's case (in essence) is

- (1) that the 200 metre zone constraint is not based on objective assessment of the environmental impacts of a particular development, does not accord with current best practice and is not included as a primary constraint in the Deposit Draft Unitary Development Plan.

- (2) that both the Minerals Local Plan and Draft Unitary Development Plan recognise the need to avoid unnecessary sterilisation of mineral resources and
- (3) that the Environmental Statement demonstrates that the impacts of the proposal can be kept to an acceptable minimum in accordance with Government advice and that the rigid application of a 200 metre zone would be inappropriate and would result in the unnecessary sterilisation of a proven mineral resource.

The Working Plan proposed in this application for these areas is to leave a buffer strips of about 100 metres from the two groups of houses, to plant these with trees and create earth bunds to shield them. Both groups would be exposed to working within the 200 metre zones for about 8 months. In practice the principal disturbance would be from soil stripping and replacement, a short term activity, the effects of which should be significantly reduced by the proposed bunding.

Policy 2 in the Minerals Local Plan prescribes that permission for extraction should not normally be given in these areas but that exceptions are possible. In this case the issues come down to whether the gain from working (roughly) 1/10th of the site justifies the extra disturbance to the adjacent householders or whether the effective loss of this resource is justified by the reduction in disturbance. The Environmental Health Officer's advice is that conditions could be imposed which would enable the development to go ahead without causing adverse impact on local people.

It is in the interests of sustainability to avoid the loss of scarce resources and it is likely that unless they are worked as part of this application these minerals probably never will be. Members should be aware that the idea of a 200 metre buffer strip has never been part of Government policy and is not proposed as either a primary or a secondary constraint in the Deposit Draft Unitary Development Plan. On balance therefore Officers' recommendation is that in the context of a major application which is a Preferred Area for extraction, the inclusion of these minor areas would be an acceptable exception in accordance with Policy 2 of the Minerals Local Plan. Subject to conditions and provided that the greater part of the site is considered acceptable, permission could therefore be granted for the two parts of the site outside of the Preferred Areas. Precedent exists for this kind of approach when Members granted permission for the extraction of a small area of land at Perton Quarry which was outside of a Preferred Area for extraction.

6.4 Deposit Draft UDP:

The existing Minerals Local Plan Preferred Area at Moreton-on-Lugg was included in the UDP Deposit Draft. There were no objections to the Plan to its inclusion per se but several objectors to the relevant policies have argued that more provision should be made – in part, to give a greater flexibility to the County's abilities to supply sand and gravel. Officers' advice is that because there have been objections to the sections of the UDP which specifically refer to the site, these policies can be given little weight but that weight does if anything support the granting of permission for this application. However, Members should also be aware that the UDP mineral policies as a whole aim to ensure that the County should be able to provide an adequate and regular supply of minerals over the Plan period. In practice that means ensuring that it should be able to meet the County sub-regional apportionment of national and regional demand. If permission were to be granted, the additional 2,000,000 tonnes permitted here would undoubtedly help that supply and would introduce an element of flexibility which some objectors have specifically requested. It would also be in general accordance with the developing Regional Plan. It could not however be argued that

either the site itself, or that flexibility, are essential for the Council to meet the supply assumptions in the existing Minerals Local Plan or those in the Deposit Draft UDP. The proposal would not conflict with other policies in the Plan and is particularly in the spirit of the Deposit Draft nature conservation policies.

6.5 Effects of the Proposal on Matters of Acknowledged Importance:

The Minerals Local Plan requires that applications should be assessed against other development criteria, notably those in Policy M4 of the Hereford and Worcester County Structure Plan. These include:

- i) Effects on the best and most versatile land
No such land is affected by this proposal.
- ii) Residential amenities of surrounding properties
Mineral workings are potentially difficult neighbours capable of being noisy, dusty and affecting ground and surface waters – sometimes for long periods. To consider these separately:

Noise: The principal sources of noise generated on site from this proposal would be from the stripping and subsequent re-spreading of soils, using excavators and dump trucks and from associated reversing beepers. Extraction would be by tracked excavator digging below the water table, loading into a hopper and conveyor belt, a relatively quiet operation, to the processing plant, which is relatively noisy. Processed materials would then be trans shipped off site by lorry, again a relatively noisy operation. The applicant's Environmental Statement includes assessments of the noise levels of adjoining properties. In every case it is estimated that these would be less than 10 decibels above background noise levels, i.e. at a level which is not likely to be considered loud enough to generate complaints. The same levels were considered acceptable when permission was given for the creation of a rail-loading depot (approved by the Central Area Planning Sub-Committee on the 18th July, 2002. The Environmental Health Officers advice is that subject to the imposition of noise conditions the effects should be acceptable.

If permission were to be granted Officers advice is also that a condition should be imposed requiring that bunds should be created close to the houses nearest the "excluded areas" discussed in para. 6.3 to reduce the impact of noise from the proposal on the local people.

The proposed processing and ready-mixed concrete plants could generate intermittent, fairly long periods of low level noise, at most, but it is unlikely to be all, working days. The proposed location of these in the centre of the site and as far away from housing as possible and the creation of piles of processed material around them would further diminish the disturbance. Officers do not consider that the net effect would be unacceptable.

Dust: The application proposes to work the site "wet" i.e. not to dewater it. Excavated materials would therefore be wet and would remain so as they pass through the processing plant. Although they would dry out in time when placed in stockpiles around the plant area, it is extremely unlikely these would generate any volumes of dust which could reach the houses at the boundary of the site. A number of dust suppression measures are proposed and these could all be imposed by condition. Dust could also be generated from soil

handling on site. It is not likely to be significantly different from normal agricultural operations or to require unusual dust control measures.

iii) Surrounding Road Network and Road Safety

The applicant estimates that the proposal would generate about 40 vehicle loads per day. The effects of this on their lives, local amenities and highway safety are the major source of local objections to the proposal – significantly outnumbering other concerns. The principal delay in bringing this application for determination has been the time the Highways Agency has taken to consider this proposal. Extensive discussions with the applicant and local people required a Safety Audit of the scheme finally proposed. The Highways Agency has now issued a Direction that if permission is granted it must be subject to four conditions (that specify a particular design of roundabout on the A49, advanced signing and the submission of a Green Travel Plan). Because these proposals represent a variation on the scheme originally submitted, the Parish Council and neighbours have been re-consulted on it.

To date responses have been received from Wellington Parish Council, Wellington Action Group and two of the immediate neighbours. In summary, the Parish Council would prefer an alternative route but reluctantly accept the proposed roundabout with seven reservations, notably that the offset position of the roundabout restricts visibility, that the deceleration space to the south is too short, the proposal is too close to the existing turn to Wellington, footpath access is poor, the site needs illumination, that if a roundabout were to be constructed at the Business Park entrance a speed limit could be imposed and that they support the concerns of the nearest resident who is unhappy at the proximity of the roundabout to his house.

The Wellington Action Group oppose the proposal altogether and make similar points, particularly stressing the problems of visibility, slowing down distances and the need for either an alternative, or two roundabouts. They also express concern about the loss of the existing conifers beside the A49. The occupier of the house nearest the proposed roundabout expresses his concern about visibility, braking distance, overtaking and problems for pedestrians and cyclists and the possibility that the proposal would create a serious hazard to anyone entering or leaving his gateway or stopping along the route.

One local resident regards the proposal as an improvement on the original 'ghost' lane scheme but requests the installation of a roadside guard rail.

These in turn have been referred to the Highways Agency with a request that they consider them. Their response will be reported orally. If Members were to grant permission it must be in accordance with the Highway Agency's direction (or any variation they might make) and include any conditions they impose. Members should be aware that in the circumstances of the direction any refusal to grant planning permission on highway grounds could not be defended.

The applicant has included a reference to the possible use of the rail-loading depot to transport excavated material with a proviso that it is anticipated that the extracted material would supply local demand and will be transported by road, however, transport by rail would be considered where appropriate.

iv) Areas of High Quality Landscape

The application is not in an area of designated landscape. The former military depot dominates the area and the application area occupies the least landscaped parts of the site containing very few trees of any size and no significant internal hedges. To the layman's eye it has the appearance of semi-scrub, semi-derelict land. Officer's advice is that the site could not be considered a high quality landscape worthy of retention. Local people have asked for the retention of the conifers alongside the A49. The Head of Conservation's advice is that these are not worthy of protection in themselves but could be retained (subject to the Highway's agency's direction) as a temporary screen.

v) Water Supply and Land Drainage

Matters relating to the need to protect the River Lugg SSSI and cSAC are dealt with above.

The proposal could affect adjoining properties' and in theory Brooks Drinks' water supplies through both the risk of contaminated materials entering ground and surface water or the direct loss of water supply and objectors have naturally expressed concern at this. The proposal could also affect land drainage through accidental or controlled discharges. In practice however the only significant effect on local resources should be the temporary diversion of small volumes of water through the plant to wash excavated material and the subsequent clearing of that water through conventional settlement ponds. This would be controlled through a discharge licence issued by the Environment Agency. Any surface discharges would be into existing site drains or through oil interceptors. There should therefore be no affect on local boreholes.

The Environment Agency and River Lugg Internal Drainage Board have pursued these issues in some detail and have no objection to the proposal but propose that schemes should be imposed to control risk of contamination and to monitor groundwater before, during and after extraction. If permission were to be granted Officers recommend that these are imposed as conditions.

vi) Effect on Areas of Nature Conservation Importance

The site does not include specific nature conservation designations, it does however adjoin the River Lugg SSSI/cSAC. Officers are not aware of any specific risk to the river or species associated with it and any such could be protected by the imposition of conventional conditions. Neither English Nature nor the Environment Agency has any objection to the proposal. There are no grounds therefore for refusing permission on these grounds. The site does however contain a "medium" sized colony of Great Crested and other Newts – based in an old MoD concrete fire pond. The application is to create a complex of lakes, shallows, pools and scrapes which will be of infinitely greater value as newt habitat than the existing land. A licence to move the newts and disturb the site will be necessary from DEFRA but subject to the necessary detail, it is understood that there should be no difficulty in this regard. The application includes an assessment of the nature conservation value of the site but the only protected species found were Barn Owls and a condition is proposed to protect them. Specific surveys were undertaken for reptiles and bats but none were reported on site.

The Wellington Marsh SWS adjoins the site. The applicants assert that the protected habitat is associated with shallow groundwater perched on the alluvial deposits and is hydraulically isolated (in effect) from the fluvial-glacial sand and gravel aquifer. There is no evidence that the marsh would therefore be affected by the proposal. Members will be interested to note that boreholes in and around the marsh were monitored by the operators of the Wellington Gravel Pit whilst the site was in the Ministry of Defence hands. Monitoring proved both difficult to undertake and to interpret but there appears to be no suggestion that the existing gravel workings have had any effect on the marsh. There are no reasons to question the applicants' assumptions and there is no evidence that the special wildlife site would be adversely affected.

The Council has a general duty to enhance SSSI's, Officers consider that the proposal would be a valuable supplement to the nature conservation interests of the area generally and of direct value to some of the species associated with the River Lugg cSAC designation, notably otters.

vii) Effects on Sites of Archaeological or Historical Interest

The proposal has been the subject of detailed archaeological evaluation (desk based study, site survey/recording, and trial trenching) as part of this archaeological potential. In essence, the north-western sector of the site appears to have only moderate potential. The eastern and particularly south-eastern sector have higher potential, with significant although dispersed prehistoric and Roman remains having been found here during evaluation. A specific zone in the mid – southern sector of the site, broadly approximating to phases 8/13A, contains principally Bronze Age remains of particular significance and sensitivity, probably relating to an important ritual site. If permission were to be granted the County Archaeologist would have no objection to the proposal provided that a condition is imposed to ensure that these features are properly assessed and protected.

viii) Effects on Local Employment

At present a small number of people occupy parts of the site under a variety of temporary leases. The proposal would probably directly employ a few more people on site and indirectly many more hauliers. If permission were to be granted however redevelopment of the site would permanently remove the existing CLEUD rights and a significant amount of potential employment would therefore be lost. The Moreton Camp Development Brief recognises this however and there is no conflict between the application and the wider development of the rest of the camp. The South Herefordshire District Local Plan specifies that the northern sector of the camp is a Preferred Area for mineral extraction and notes that it would only permit B1 uses on the Romilly buildings on land covered by the CLOPUD permission provided that such proposals would not prejudice the long term development of the land in this part of the site. It could not be argued therefore that the effects of the proposal on local employment would be significant.

ix) Effects on the Potential Afteruse of the Site

No specific afteruse is applied for but if restored as proposed the site would be of immediate beneficial afteruse for nature conservation and potentially beneficial use for amenity or recreation (provided that any such proposals complied with the Development Plan of the time). The proposal is to restore the site to two large lakes and a wide range of nature conservation habitats,

notably shallow and seasonal pools and scrapes and a mixture of tree and shrub planting at different densities. Officers believe that the net effect would be to create an extremely valuable and interesting nature conservation site. As such they consider that it would be a considerable improvement both visually and ecologically on the existing site if permission were to be granted however they would recommend that conditions should be imposed to secure the maximum possible gain to the interests of biodiversity.

There is a Listed Milepost along the A49 close to the proposed new access. Neither it or its setting are adversely affected by the proposal. If permission were to be granted Officers would recommend that conditions should be imposed to protect and repaint it.

Conclusion:

Sand and gravel extraction is a long term and potentially disruptive activity. It is however necessary to the operations of the economy as a supplier of fundamental building materials and it is Government policy that an adequate and regular supply of minerals should be available in order to meet the County's share of regional need. In this case the greater part of the application area is designated a Preferred Area for Extraction in the Minerals Local Plan. Local people's concerns about the effects of the proposal, especially its effect on local highways, are material and understandable. None of the statutory consultees however have any objection to the proposal and Officers consider that subject to the imposition of conditions the proposals would comply with the provisions of the Plan and protect the amenities of local people. Parts of the site are outside the Preferred Area but Officers consider that the applicant's case for including these in the application is reasonable and that the effects of doing so can be satisfactorily mitigated by the imposition of conditions and would not conflict with Development Plan or Deposit Draft UDP policy. Subject to conditions, the proposal could however create an ecologically diverse range of features which would enhance the nature conservation interests of the area and the condition of the existing land without adverse effect on the River Lugg SSSI cSAC, the landscape or the amenities of local people.

Members should also be aware that although the site is expected to be worked and restored within about 10 years, that under the terms of the Environment Act 1995 planning permission for mineral working can in effect be reassessed and new conditions imposed every 15 years.

RECOMMENDATION

That planning permission be granted subject to the following conditions and any others 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 and in order to define the commencement of the development.

- 2. The whole of the plant and external walls and roofs of the buildings, including cladding, shall be constructed and finished in accordance with a schedule of materials, colours and finishes which shall first have been submitted to and approved by the local planning authority before the development is commenced.**

Reason: To secure properly planned development.

3. **Prior to the commencement of extraction and the exportation of any sands or gravels from this site the highway features illustrated on drawing AS/1, Tarmac, Moreton Quarry, Roundabout Access, Advance Signage, Revision 1 dated October 2003, shall have been certified as complete by the local planning authority in consultation with the Highway Authority.**

Reason: To enable the A49 Trunk Road to continue to be an effective part of the system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 by avoiding the disruption to flow on those routes by traffic expected to be generated by the development, and to protect the interest of road safety on the Trunk Road, as directed by the Highways Agency.

4. **Prior to the commencement of extraction and the exportation of any sands or gravels from this site a village gateway feature equivalent to the feature illustrated on drawing AS/1, Tarmac, Moreton Quarry, Roundabout Access, Advance Signage, Revision 1 dated October 2003 to the north of the proposed access shall be provided to the south of Wellington Marsh in a form and position to be agreed with the local planning authority in consultation with the Highway Authority.**

Reason: To enable the A49 Trunk Road to continue to be an effective part of the system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 by avoiding the disruption to flow on those routes by traffic expected to be generated by the development, and to protect the interest of road safety on the Trunk Road, as directed by the Highways Agency.

5. **Prior to the commencement of extraction and the exportation of any sands or gravels from this site the quarry operator shall be obliged to enter into an agreement with Herefordshire Council to promote and co-ordinate Green Transport Plans. The main aims will be to reduce the need to use private transport to access this site and to increase the opportunities for walking, cycling, bus use, car sharing and any other initiative that is able to make a positive contribution to reducing the need to use private transport inefficiently.**

Reason: To enable the A49 Trunk Road to continue to be an effective part of the system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 by avoiding the disruption to flow on those routes by traffic expected to be generated by the development, and to protect the interest of road safety on the Trunk Road, as directed by the Highways Agency.

6. **Prior to the commencement of extraction and the exportation of any sands or gravels from this site the highway works illustrated in form shown on drawing 2, Tarmac, Moreton Quarry, Roundabout Access, General Arrangement, Revision 2 (Amended to Incorporate Comments from Stage 1 Safety Audit) dated October 2003, shall have been certified as complete by the local planning authority in consultation with the Highway Authority.**

Reason: To enable the A49 Trunk Road to continue to be an effective part of the system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980 by avoiding the disruption to flow on those routes by traffic expected to be generated by the development, and to protect the interest of road safety on the Trunk Road, as directed by the Highways Agency.

7. No development shall take place until details or samples of materials to be used on internal roadways and hardstanding have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the materials harmonise with the surroundings and to minimise the risk of pollution to groundwater or the River Lugg SSSI cSAC.

8. The development shall be carried out in all respects strictly in accordance with the approved plans (drawing nos. MLM6/1, MLM6/2, MLM6/3, MLM6/4, MLM6/5, MLM7/1 Revision A.), except where otherwise stipulated by conditions attached to this permission.

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

9. Not later than two years from the date of this permission schemes shall be submitted in writing to the local planning authority for their approval for the creation of:

- i) Shallow, permanently or seasonally, wet scrapes
- ii) Reed beds, which remain permanently below the water table
- iii) Lakeside shallows
- iv) Bank gradients
- v) An area of wet woodland
- vi) Ditches, designed to maximise their use as wildlife corridors and as habitat for water voles
- vii) Hides
- viii) Exposed sections which can be permanently retained after the reclamation of the site as a record of its geological features
- ix) An artificial sand martin nest bank

as supplements to drawing MLM7/1, Revision A, in order to foster the nature conservation and geological value of the reclaimed site.

The submitted scheme shall specify the nature conservation objectives to be achieved and the Biodiversity Action Plan or other groups of species which are to be fostered in the reclamation of the site, the landforms, ground and water levels to be achieved, and

- x) Proposals to monitor and amend these in the light of experience as the site reclamation progresses.

Reason: In the interests of biodiversity, nature conservation, geological record and the protection and enhancement of wildlife habitats on the site.

10. At least every four calendar years from the date of this permission a biodiversity audit shall be submitted for the approval of the local planning authority. The submitted scheme shall identify
- i) The species present and
 - ii) Where National and Herefordshire biodiversity species are identified, estimate the numbers present and
 - iii) Propose how the habitats of such species may be improved during the course of the development hereby permitted, including the period of aftercare.

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

11. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials, and type of landscaping, planting and earth mounding, to be undertaken around the new highway access to the site and in the north-west and south-west corners of the site. The proposed scheme shall be completed before any winning or working of minerals takes place except that the proposed tree planting may be undertaken during the first planting season following the commencement of winning and working of minerals. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual and residential amenity and to preserve and enhance the quality of the environment.

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

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

13. During the course of the development hereby permitted up to and including the extraction of materials from Phase 9, the operator shall carry out the barn owl and species rich grassland mitigation scheme set out in Tarmac's letter of 7th July 2003, reference ML/JA/M103(P) (Barn owl and species rich grassland mitigation scheme) and plan reference "Management Proposals" drawing number 2, July 2003.

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

14. No development shall take place until a scheme and programme of the means for the suppression of dust has been submitted to and approved in writing by the local planning authority. The submitted scheme shall include inter alia: measures for the suppression of dust caused by the movement and storage of aggregate materials within the site and shall not be less than that proposed in para. 14.7 and table 14/5 of the Environmental Statement submitted by the applicant. The approved scheme shall be complied with throughout the use of the site in accordance with the development hereby permitted.

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

15. No development shall take place until the applicants or their agents or successors in title have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been approved in writing by the local planning authority. This programme shall be in accordance with a brief prepared by the County Archaeological Service. Items of prior archaeological excavation required as part of this programme must be completed in the field to the satisfaction of the local planning authority before the commencement of any development.

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

16. Throughout the course of the development hereby permitted, including the reclamation and aftercare for the site, hydro-geological monitoring shall be undertaken in accordance with the monitoring scheme/programme reference "groundwater monitoring scheme" received on and plan reference

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

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

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

18. No dewatering shall be undertaken in connection with the development hereby approved other than for the processing of extracted minerals, manufacturing of ready mixed concrete, dust suppression or wheel washing and any dewatering shall be entirely in accordance with the prior authorisation in writing of either the Environment Agency or where they are not the licensing authority, the local planning authority.

Reason: In the interests of protecting ground and surface waters in and around the site and to protect the nature conservation interests of the River Lugg cSAC and SSSI.

19. No foul or contaminated drainage shall be discharged from the site other than in accordance with the prior authorisation in writing of either the Environment Agency or where they are not the licensing authority, the local planning authority.

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

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

Adjacent to the property boundary of Holmesdale House, 55dB LAeq 1 hour (free field).

Adjacent to the property boundary of Yew Tree House, 55dB LAeq 1 hour (free field).

Adjacent to property boundary of The Almshouses 55dBLAeq, 1 hour (free field).

Adjacent to the property boundary of St. Mary's Church Vicarage, LAeq 55dB (1 hour (free field)).

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

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

21. No light source shall be visible from outside the extremities of the application site or produce more than 1 lux horizontal or vertical illuminance at any adjacent property boundary.

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

22. F25 (Bunding facilities for oils/fuels/chemicals).

Reason: To prevent pollution of the water environment.

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

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

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

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

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

Reason: To safeguard residential amenity and prevent pollution.

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

Reason: To protect the appearance of the locality.

27. No topsoil, subsoil or over burden shall be removed from the site.

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

28. No soil, subsoil, stone or waste materials shall be imported into the site for use in its reclamation.

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

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

- i. Managing the site in the interests of nature conservation and in particular for the provision and maintenance of habitats for priority species identified on site specified in the National and Herefordshire Biodiversity Action Plans.
- ii. The alteration of management practices where in the opinion of the local planning authority as advised by English Nature or any successor bodies, the habitats of Biodiversity Action Plan species identified on site could be enhanced.
- iii. For a site meeting to be held every year during the aftercare period to discuss the progress of reclamation to date and to agree future proposals.
- iv. For such a meeting to be attended by the person(s) responsible for undertaking the aftercare of the land.

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

- 30. Not later than two years after the cessation of the winning of minerals, as determined by the local planning authority,
 - i) all stockpiles, stores, plant, hardstandings, buildings, tracks, machinery, equipment, infrastructure and waste associated with the winning, working, processing, storage, sale and transportation of minerals and readymix concrete and use of the site as a rail loading facility shall be permanently removed from the application site, and
 - ii) the site shall be fully reclaimed in accordance with drawing MLM7 Revision A as supplemented by schemes approved in accordance with the conditions hereby approved.

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

- 31. This permission shall expire thirteen years after the date of commencement and no winning, working, sale or transportation of minerals or readymix concrete either by road or rail shall take place in connection with the development hereby permitted or that permitted under reference CW2001/3080/M granted 18th July 2002 after that date.

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

- 32. Notwithstanding the provisions of Schedule 2, Parts 6, 7 and 21 of the Town and Country Planning (General Permitted Development) Order 1995 or any statutory instrument revoking or re-enacting that Order with or without modification, the land and lakes which remain on the cessation of mineral winning shall not be used for any activity other than for the purposes of nature conservation unless a specific permission for such is obtained from the local planning authority.

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

- 33. A copy of this planning permission and the approved plans and all other documents approved in accordance with this permission shall be held in the office at this site and made available to any Officer of the Council or their nominee at all working hours during the course of the operations hereby permitted.

Reason: To ensure that the requirements of the planning permission are readily available at the site.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

4 DCCE2003/2935/F - CHANGE OF USE OF LAND FOR DOMESTIC CURTILAGE TOGETHER WITH RETENTION OF SUMMERHOUSE AT MARSHFIELD COTTAGE, CROSS KEYS, HEREFORDSHIRE, HR1 3NN

For: Mr. & Mrs. Lancett per Mr. J.I. Hall, New Bungalow, Nunnington, Hereford, HR1 3NJ

Date Received: 29th September 2003

Ward: Hagley

Grid Ref: 55149, 44104

Expiry Date: 24th November 2003

Local Member: Councillor R.M. Wilson

1. Site Description and Proposal

- 1.1 The application site comprises a 0.15 ha parcel of land located to the rear of Marshfield Cottage, in open countryside to the north-west of the A465. To the west of the site is a stream with open land beyond. To the north side is a small orchard associated with the adjacent house, and to the south side a small paddock.
- 1.2 The proposal is to change the use of the land to enlarged domestic curtilage and retain a summerhouse erected thereon. The summerhouse measure 6.4 metres by 4.2 metres by 3.3 metres high, and is constructed primarily from timber.

2. Policies

- 2.1 South Herefordshire District Local Plan:

Policy GD1	-	General Development Criteria
Policy C1	-	Development within Open Countryside
Policy C44	-	Flooding

3. Planning History

- 3.1 CE1999/2725/F Extension to dwelling. Approved 14/01/00.
- 3.2 CE2001/1339/F Small outbuilding. Approved 18/7/01.
- 3.3 DCCE2003/2936/F Retention of conservatory. Approved 24/11/03.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency: "The Agency holds historical flood records which show the area, where the summerhouse is located, to have flooded in September 1977, December 1981 and May 1983.

The site also lies within the Agency's Indicative Floodplain of the Little Lugg, which shows the 1% apf (annual probability flooding).

The Little Lugg is a designated Main River at this location and under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of The Agency is required for any proposed works or structures in, under, over or within 7 metres of the top of the bank of the main river (Little Lugg). A Consent is also required for the construction of any building in the floodplain or the raising of ground levels. The summerhouse (in its current location) is within 7 metres of the river and is considered likely to impede flood flow routes. However, the Agency cannot issue retrospective consents (for the existing summerhouse).

However, due to the remote location of this site and minor scale of the summerhouse the Agency would not anticipate taking enforcement action, against the summerhouse, under the Agency's Byelaw permissions, however would support the LPA if they decide to progress this matter under their powers.

It is recommended that the applicant relocates the summerhouse away from the River Lugg, where it is less likely to act as an impediment to flood flow routes.

It is strongly recommended that if the LPA approve the application for use of the land to domestic curtilage then the permitted development rights should be removed. The Agency would be likely to object to any new developments (buildings or structures) or raising of ground levels within the floodplain (of the domestic curtilage), due to the cumulative effect of development upon the floodplain (storage and flood flows)."

Internal Council Advice

4.2 Head of Engineering and Transportation: no requirements.

5. Representations

5.1 Withington Parish Council: no objection.

5.2 Two objection letters have been received from Beechcroft and The Old Post Office, Cross Keys summarised as follows:

- retrospective application;
- no regard to neighbours;
- detrimental to flood plain and wildlife;
- inappropriate appearance;
- change in levels.

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 are the impact of the proposals on amenity and the flood plain.

6.2 The change of use element of the proposal affects a relatively small area of land which is surrounded on three sides by a paddock, orchard and the existing garden at Marshfield Cottage. Within this partially formalised setting it is not considered that any harm has been caused to the openness of the countryside.

- 6.3 The summerhouse is a timber structure which is not readily viewable from outside of the site, and which 'reads' as a small outbuilding or stable appropriate for the rural location. Subject to restricted use, its retention is considered acceptable, and no harm would be caused to visual or residential amenity.
- 6.4 The Environment Agency recommends that the summerhouse is relocated in view of its position within the flood plain. The Environment Agency does not, however, recommend refusal and specifically states that it would not take enforcement action under Land Drainage Byelaws. With this in mind, it is not considered that a refusal based on flooding issues could be sustained. A condition is recommended removing permitted development rights for further outbuildings.

RECOMMENDATION

That planning permission be granted subject to the following condition:

- 1. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure, or garages, outbuildings or other buildings shall be erected other than those expressly authorised by this permission.**

Reason: To safeguard the amenities of the locality and to protect the flood plain from inappropriate development, in accordance with Policies C1 and C44 of the South Herefordshire District Local Plan.

Note to Applicant:

- 1. **The decision to grant planning permission has been taken having regard to the policies and proposals in the South Herefordshire District Local Plan set out below, and to all relevant material considerations including Supplementary Planning Guidance:**

Policies C1 and C44

This informative is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report by contacting Reception at Blueschool House, Blueschool Street, Hereford (Tel: 01432-260342).

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

5 DCCE2003/3285/G - MODIFICATION OF PLANNING OBLIGATIONS UNDER S.106A DATED 17/01/92 AND 28/08/96. OBLIGATIONS :- TO NOT CAUSE OR PERMIT ANY PERSON OTHER THAN AN ELDERLY PERSON OR CHRONICALLY SICK OR DISABLED PERSON TO RESIDE WITHIN ANY PART OF PROPERTY OR ANY EXTENSION THERETO AT LAND TO SOUTH-WEST SIDE OF LUGWARDINE COURT ORCHARD AT LUGWARDINE COURT, LUGWARDINE, HEREFORDSHIRE, HR1 4AE

For: Trustees of Lugwardine Education Centre per Flint & Cook, 4 King Street, Hereford, HR4 9BW

Date Received: 30th October 2003

Ward: Hagley

Grid Ref: 54732, 40907

Expiry Date: 25th December 2003

Local Member: Councillor R.M. Wilson

1. Site Description and Proposal

- 1.1 The application site comprises a 0.2 ha paddock situated on raised land to the south-east of the A438 at Lugwardine. To its north-east is Lugwardine Court Orchard - a development of 15 sheltered houses. To the east and south-east is Lugwardine Court - a private educational facility associated, at least in part, with St. Mary's School (and in the ownership of the applicant). To the south is a small courtyard of traditional agricultural buildings (also in the ownership of the applicant) and a walled garden (in separate ownership). On the opposite side of the A438 (to the west) are further residential properties. Ground level falls away generally from Lugwardine Court Orchard towards the walled garden and barns, and also steeply at the edge of the site with the A438.
- 1.2 The application seeks permission to modify two Section 106 Agreements made in 1992 and 1996 which apply to the site and Lugwardine Court Orchard. These agreements require elderly persons (55 years +) or chronically sick or disabled persons to reside within Lugwardine Court Orchard or any extension thereto only. The proposal is to modify this clause in the agreements so that it does not apply to the application site.
- 1.3 A similar application together with an outline planning application for three units was considered by the Sub-Committee on 11th June 2003 and approved. This current application has been made in view of procedural failing in the earlier application which has the effect of invalidating the decision. The resolution to approve planning permission for the three units is not affected by this although at this stage the decision notice has not been issued.

2. Policies

2.1 South Herefordshire District Local Plan:

Policy GD1	-	General Development Criteria
Policy C2	-	Settlement Boundaries
Policy C20	-	Protection of Historic Heritage
Policy C29	-	Setting of a Listed Building
Policy SH6	-	Housing Development in Larger Villages
Policy SH8	-	New Housing Development Criteria in Larger Villages
Policy T3	-	Highway Safety Requirements

2.2 Hereford and Worcester County Structure Plan:

Policy H18	-	Housing in Rural Areas outside the Green Belt
Policy H16A	-	Housing in Rural Areas

2.3 Herefordshire Unitary Development Plan (Deposit Draft):

Policy DR2	-	Land Use and Activity
Policy H14	-	Main Villages: Settlement Boundaries
Policy S2	-	Development Requirements
Policy DR5	-	Planning Obligations

3. Planning History

- 3.1 SH891493PO Sheltered housing development. Refused 20th September, 1989.
- 3.2 SH901106PO Sheltered housing development. Refused 24th October, 1990; appeal allowed 9th July, 1991.
- 3.3 SH920267PM Sheltered housing development. Approved 22nd April, 1993.
- 3.4 SH960270PF Erection of 8 single storey dwellings (second phase of development of 15 dwellings originally approved). Approved 10th October, 1996.
- 3.5 CE2002/0323/F Change of use from residential home to educational, with ancillary residential accommodation, office and kitchen facilities, together with meeting rooms and offices for community use. Approved 29th May, 2002.
- 3.6 CE2002/3749/O Erection of 3 no. detached dwellings with garages. Approved subject to S106 Agreement being modified 11th June, 2003.
- 3.7 CE2003/0991/G Removal of two Section 106 Agreements (not to cause or permit any other than an elderly person or chronically sick or disabled person to reside within any part of the property or any extension thereto). Approved 11th June, 2003 but invalid.

4. Consultation Summary

Internal Council Advice

- 4.1 Head of Engineering and Transportation: no objection.

5. Representations

- 5.1 Lugwardine Parish Council: continue to vigorously oppose this application as it will adversely affect the residents of Lugwardine Court Orchard. Any development on this site should be subject to the existing S106 Agreements.
- 5.2 Eleven objection letters have been received from Nos. 3, 4, 8, 9, 10, 11, 12, 14, 15 and 16 Lugwardine Court Orchard, and Lower Lodge, Lugwardine summarised as follows:
- granting approval would enable landlord to infringe terms of leases of existing Lugwardine Court Orchard properties;
 - Lugwardine Court Orchard originally allowed exceptionally as sheltered housing in view of proximity to nursing home and limited traffic generation - removal now would go against South Herefordshire District Council's original reasoning for agreements;
 - changed circumstances not sufficient reason to allow removal;
 - new development should respect character of Lugwardine Court Orchard and ensure rights of existing tenants to peaceful enjoyment of their environment;
 - general residential development would lead to noise and disturbance to residents of Lugwardine Court Orchard;
 - precedent for further residential development;
 - shortage of sheltered housing in County would be met by residential development of site in accordance with terms of Section 106 Agreement.

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 issue in this case having regard to Section 106A is whether or not the Obligations as they relate to the application site continue to serve a useful purpose. In assessing this there are a number of material changes in circumstances since the Obligations were entered into which are relevant relating to the planning history, the Development Plan designation and the use of surrounding land.
- 6.2 Regarding the planning history, prior to adoption of the South Herefordshire District Local Plan the site and the adjacent land now forming Lugwardine Court Orchard were located in the countryside. In 1991 an appeal was allowed to erect a 'sheltered housing development' on the site and adjacent land. In reaching his decision the Inspector considered it questionable as to whether the site lay outside the boundary of the village having regard to the functional link between the nearby school and Lugwardine Court buildings to the rest of the village.
- 6.3 At the time of the appeal decision the then Council began proceedings towards a high court challenge of the Inspector's decision in view of the lack of control imposed over the occupation of the 'sheltered housing development'. However, before these proceedings were heard the then applicant entered into a Section 106 Agreement with the Council to limit occupancy of any development on the land to elderly or chronically sick or disabled persons and their spouses/companions only. The then applicant also owned the adjacent Lugwardine Court which at that time was in use as a nursing home. As a consequence of this Obligation the Council withdrew the high court challenge, excepting the development under these terms as an exception to the usual presumption against new residential development in the countryside.

- 6.4 Subsequently, detailed planning permission was given in 1992 to erect seven sheltered units on the land to the north of the current application site (now Lugwardine Court Orchard), with a further eight approved in 1996 (and subject to the second Section 106 Agreement). The application site itself has not been the subject of a detailed application and consequently has remained undeveloped notwithstanding its outline planning permission for sheltered housing.
- 6.5 With the adoption of the South Herefordshire District Local Plan in 1999 and as a consequence of the earlier appeal decision, the boundary of Lugwardine Village was revised to include Lugwardine Court Orchard and the current application site. The application site, therefore, now lies inside the village boundary and not within the countryside.
- 6.6 In June of this year the Central Area Planning Sub-Committee resolved to approve applications to modify the Section 106 Agreements as they apply to the application site to remove the restriction on occupancy to elderly or chronically sick or disabled persons and erect three dwellings. The Sub-Committee made its decision having regard to the changed circumstances since the site was originally given permission – in particular, the changes to the village boundary to include the application site (thus allowing new residential development to take place as a matter of principle rather than as an exception) and the change of use of Lugwardine Court to an educational/community facility – and the acceptability of the proposal for the three dwellings on its planning merits (that is, low density housing appropriately distanced from Lugwardine Court Orchard to ensure no adverse impact on residential amenity). Notwithstanding the positive resolutions, the approvals have not been issued in view of the procedural failing in the Section 106A application which would have the effect of invalidating this particular decision.
- 6.7 The purpose of this current application is to, therefore, correct the procedural failing in the earlier application. As there have been no changes in circumstances since the earlier resolution of the Sub-Committee, the application is considered to be acceptable for the reasons given before and set out again in this report. A modification is, therefore, recommended on the basis that the Obligations as they relate to the application site no longer serve a useful purpose.

RECOMMENDATION

- 1. **That the Obligations be modified so that the restriction on occupancy of the land does not apply to the application site; and**
- 2. **That the Sub-Committee resolution to grant planning approval subject to conditions for three detached dwellings under reference CE2003/3749/O be confirmed.**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

Further information on the subject of this report is available from Mr. A.S. Guest on 01432 261957

6 DCCE2003/2159/F - FIRST FLOOR BEDROOM EXTENSION AND LIFT FOR DISABLED USE TO SIDE OF PROPERTY AT 24 HOPTON CLOSE, BARTESTREE, HEREFORDSHIRE, HR1 4DQ

For: Mr. J.W. Locke of the same address

Date Received: 16th July 2003

Ward: Hagley

Grid Ref: 56158, 41408

Expiry Date: 10th September 2003

Local Member: Councillor R.M. Wilson

1. Site Description and Proposal

- 1.1 The application site is a detached modern dwelling set within a cul-de-sac of similar dwellings within the village of Bartestree. The dwelling is currently a three bed property with a minimum of two car parking spaces off road to the front of the property. A small ground floor lean-to extension has already been added to the property and this is set back 6 metres from the front of the dwelling and wraps around to the rear.
- 1.2 The proposal is to create at first floor extension above the existing ground floor extension at the side of the property. This does not extend around to the rear of the dwelling. The rear extension would remain as ground floor only. The extension would be 2.5 metres in width and would project back by 3.7 metres in line with the rear of the dwelling at first floor level. The proposal would have a hipped roof and the plans (amended) show the windows in the front and rear elevations as being obscure glazed. Internally the extension will increase the size of bedroom three.
- 1.3 The purpose behind this application is to accommodate a larger bedroom to aid in the care of the applicant's disabled son. The enlarged room would allow the installation of a lift (which manufacturers recommend be fixed to a structural/outside wall). A lift in this area would also allow easy access to the adapted bathroom on the ground floor from the first floor. At present a small bedroom on the ground floor next to the bathroom is used but this is restricted in size and unsuitable for night time care.
- 1.4 The application was amended as a result of a letter of objection from the owner of the neighbouring property. The alterations were introduced to help alleviate the concerns raised and include the hipped roof design and introduction of obscure glazed windows to the front and rear elevations.

2. Policies

2.1 Planning Policy Guidance:

PPG1	-	
PPG3	-	Housing
PPG13	-	Transport

2.2 Hereford and Worcester Structure Plan:

- Policy H16a - Housing in Rural Areas
- Policy H20 - Housing in Rural Areas outside the Greenbelt

2.3 South Herefordshire District Local Plan:

- Policy GD1 - General Development Criteria
- Policy SH23 - Extensions to Dwellings

2.4 Unitary Development Plan (Deposit Draft):

- Policy DR1 - Design
- Policy H18 - Alterations and Extensions

3. Planning History

- 3.1 Application number CE2002/2981/F for a proposed bedroom and veranda for disabled use was refused planning permission on the 2nd December 2002. The reason for this was the concern regarding overlooking from the veranda.

4. Consultation Summary

Internal Council Advice

- 4.1 Head of Engineering and Transportation has no objection.

5. Representations

- 5.1 The applicant has submitted a brief letter that makes the following points:

- They have explored all possibilities concerning the provision of a room for their disabled son and feel that the plans submitted are the only way to extend in relation to the lift shaft manufacturers recommendation.
- Extending above the utility room is not possible as the space is required for large wheel chairs and hoists.
- The proposed extension will not block out light to any adjacent property and other extensions on the estate that are much closer have been passed.
- As a builder for many years I would not construct any extension if I felt it would be out of character with the surrounds.
- Stress that the extension is urgently required on the first floor due to night care, and the fact that our son is unhappy to sleep alone on the ground floor.

- 5.2 Bartestree Parish Council has no adverse comments to make on this application.

- 5.3 Letters of objection have been submitted by G.A. Gough of 25 Hopton Close. Mr. Gough was re-consulted on the amended scheme that came about as a result of his initial. Both letters raise the same issues and are summarised as follows:

- The affect of the extension will be to cut off considerably the light available to the rear entrance to the house, porch and toilet window, all of which are south facing. Also there will be a claustrophobic effect felt from such a high wall with only a 5 foot gap. The change made to the roof in the revised plans will make no difference whatsoever.
- The north facing window would give a view (albeit at an angle) into the bathroom and would impinge on privacy of persons using the bathroom. Note the use of obscure glazing but concern over opening windows and retention of obscure glazing.
- Concern relating to noise that could come from the use of the lift, even if soundproofed. Sceptical of removing noise altogether.

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

6. Officers Appraisal

- 6.1 The key considerations in determining this application are the principle of the proposed extension, its design and any resulting impact of the proposed extension in the amenities of the neighbouring property and impact on the character and appearance of the dwelling.
- 6.2 Policy SH23 of the South Herefordshire District Local Plan allows for extension to existing homes providing that the proposal is in keeping with the character of the existing dwelling in terms of mass, scale, design and materials. The existing dwelling remains the dominant feature in any resulting scheme. Having regard to this it is considered that this extension is clearly subservient to the existing dwelling and the extensions, mass, form, design and materials are in keeping with the existing dwelling.
- 6.3 In terms of the impact on the amenities of the neighbouring property the applicant has altered the original submission to address some of the concerns that have been raised by their neighbour. As a result of this the roof has been hipped reducing the impact and bulk of the extension. Due to the relatively minimal size of the proposed extension (2.7 metres x 3.7 metres), the design and siting of the extension and the fact that it does not project to the rear, this extension would not be overbearing on the dwelling, walkway or garden of the neighbouring property.
- 6.4 The issue of overlooking and loss of privacy can be addressed by the insertion of obscure glazed windows that are fixed shut in the front and rear elevations (as shown). This can be controlled via a condition that would ensure its retention. A third bedroom window that is existing will remain and this will not alter, allowing ventilation to the room.
- 6.5 The letter of objection also raises concern regarding the noise of the proposed lift. This lift would be attached to the external wall of the extension and there is a walkway between the dwellings. Considering that lift is for use by one person within a domestic situation the use is unlikely to be excessive. Noise attenuating insulation could be provided to reduce noise levels, details of which can be submitted for approval prior to the installation of the lift. The condition can also ensure its retention in the future.

- 6.6 The personal circumstances of the applicant and the need for a sizeable bedroom and access to the adapted bathroom facilities have been considered. Other alternatives have been explored, but due to the internal layout of the dwelling and the recommendations of the lift manufacturers, this proposal is the only workable method of extending the property to accommodate their needs.
- 6.7 To conclude, the proposal is acceptable in principle in accordance with Policy GD1 and SH23 of the South Herefordshire District Local Plan. The design and the impact upon the character of the area and upon neighbouring properties are also considered acceptable and conditional approval is therefore recommended.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

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

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

- 3. Prior to the use or occupation of the extension hereby permitted, and at all times thereafter, the window[s] marked "X" on the approved plans shall be glazed with obscure glass only and shall be non-opening.**

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

- 4. Prior to the installation of the proposed lift, full manufacturer details of the lift, including the method of fixing and noise insulation shall be submitted to and approved in writing by the local planning authority. The lift shall be installed in accordance with these details and the insulation retained until such time that the lift is removed.**

Reason: In the interests of the amenities of the neighbouring property.

Notes to Applicant:

- 1. N03 - Adjoining property rights.**
- 2. N14 - Party Wall Act 1996.**
- 3. The decision to grant planning permission has been taken having regard to the policies and proposals in the South Herefordshire District Local Plan set out below, and to all relevant material considerations including Supplementary Planning Guidance:**

**Policy GD1 - General Development Criteria
Policy SH23 - Extensions to Dwellings**

This informative is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report by contacting Reception at Blueschool House, Blueschool Street, Hereford (Tel: 01432-260342).

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

7 DCCW2003/1332/O - PROPOSED ERECTION OF B1 (OFFICES AND LIGHT INDUSTRY) AND B8 (WHOLESALE STORAGE DISTRIBUTION) FLOORSPACE AT MORETON PARK, MORETON-ON-LUGG, HEREFORD, HR4 8DS

For: Greatwest Investments Ltd. per PRC Fewster, 32 Victoria Road, Surbiton, Surrey, KT6 4JJ

Date Received: 2nd May 2003

Ward: Sutton Walls & Wormsley Ridge

Grid Ref: 50248, 46552

Expiry Date: 27th June 2003

Local Members: Councillors J.G.S. Guthrie and J.C. Mayson

1. Site Description and Proposal

- 1.1 The application site forms part of the old Ministry of Defence (MoD) depot located approximately 5 miles north of Hereford and a quarter mile north of Moreton-on-Lugg. The site is accessed directly off the A49 trunk road and is also connected directly to the Crewe-Newport main railway by sidings entering the site from the east. The total site area is approximately 38 hectares, however this application relates to 14.42 hectares in the central and southern parts of the site. The site currently comprises of a number of offices, warehouses and storage areas. Two large warehouses dominate the site at a size of 27,191m² and 19,500² respectively. A 1393m² office fronts the main entrance to the site and a number of smaller buildings are dispersed throughout the area. The total area covered by hardstandings is approximately 30,000m².
- 1.2 This application seeks outline planning permission for the erection of up to 63,390m² of B1 (offices/light industry) and B8 (wholesale and distribution) floor space within the site. As submitted only the means of access is for consideration at this stage with external appearance, siting, design and landscaping reserved for future consideration. An indicative master plan layout for the site has however been included which identifies five separate areas for future development. The access to this part of the application site will remain in its existing position directly off the A49 trunk road.

2. Policies

2.1 Planning Policy Guidance:

PPG1	-	General Policy and Principles
PPG4	-	Industrial and Commercial Development and Small Firms
PPG7	-	The Countryside – Environmental Quality and Economic and Social Development
PPG9	-	Nature Conservation
PPG13	-	Transport

2.2 Hereford and Worcester Country Structure Plan:

Policy E1	-	Economic Growth
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Policy E2	-	Economic Growth
Policy E3	-	Employment Land Requirements
Policy E6	-	Industrial Development in Rural Areas
Policy CTC9	-	Development Requirements

2.3 South Herefordshire District Local Plan:

Policy GD1	-	General Development Criteria
Chapter 17A		
Policy 1	-	Future Use of Depot
Policy 1A	-	Central and Southern Sectors
Policy 2	-	Protection of the Natural Environment
Policy 3	-	Rail Access
Policy 4	-	Landscaping
Policy ED1	-	Employment Land Availability
Policy ED2	-	Employment Land
Policy ED6	-	Employment in the Countryside

Moreton-on-Lugg Development Brief (1999):

2.4 Herefordshire Unitary Development Plan (Deposit Draft):

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirement
Policy S4	-	Employment
Policy S6	-	Transport
Policy DR1	-	Design
Policy DR2	-	Land Use and Activity
Policy DR3	-	Movement
Policy DR4	-	Environment
Policy DR5	-	Planning Obligation
Policy DR6	-	Water Resources
Policy DR10	-	Contaminated Land
Policy DR12	-	Hazardous Substances
Policy DR13	-	Noise
Policy DR14	-	Lighting
Policy E2	-	Moreton-on-Lugg Depot
Policy T1	-	Public Transport Facilities
Policy T3	-	Protection and Development of Rail Network
Policy T4	-	Rail Freight
Policy T8	-	Road Hierarchy
Policy T9	-	Road Freight
Policy T11	-	Parking Provision
Policy T16	-	Access for All
Policy NC1	-	Nature Conservation and Development

3. Planning History

- 3.1 SH95/107/SZ Certificate of Lawful Existing Use or Development for existing B8 use granted on the 14th February 1996. The CLOPD relates to specific buildings and land at the depot, the Romily huts and open areas on which storage has taken place. Land exempt from the certificate includes land to the north of the site that has been used for army training and land that has been wholly unused including parkland, coppice and other open areas.

4. Consultation Summary

Statutory Consultations

- 4.1 Highways Agency letter dated 13th November 2003. Following discussions between the Highways Agency and the developer's consultant team, we have reached an agreed position with regard to the extent of highway works and the related planning conditions needed for this site. Three conditions are set out which restrict the amount of B1 office space to be developed on the site to a maximum of 10,000m² gross floor area. The second condition relates to a requirement for the developer to enter into Green Travel Plans where more than 20 employees are proposed on the site and the final condition relates to improvements required to the existing vehicular access which includes improved visibility splays and turning facilities.
- 4.2 Environment Agency comments dated 19th December 2003. In a detailed response the Environment Agency suggest a number of conditions which should be attached to any planning permission the Local Planning Authority wish to grant. This includes a requirement for development to be in accordance with the approved Method Statement and to ensure any remedial works are carried out to the satisfaction of the Local Planning Authority.
- 4.3 English Nature letter dated 9th July 2003. The distance of the development from the River Lugg Site of Special Scientific Interest/Candidate Special Area of Conservation and the lack of any historic problem from this site leads English Nature to have few reservations over this proposal. The change to light industrial units as one option does offer a slight threat and English Nature wishes to see rigorous application of the appropriate safeguard with respect to the storage and handling of chemicals and materials if the scheme is accepted.

On a wider point of water management English Nature and the Environment Agency have long been passing for the adoption of a sustainable open drainage for such schemes where it is appropriate and we will commend such an approach to the Council. The Ecological Statement mentions water voles on the northern edge of the site but does not address any ecological enhancement for species. It is inconceivable that the applicant cannot address this enhancement within the scope of the site landscaping.

The applicant should be mindful of possible discovery of both badger and great crested newts on site. Clearly the applicant should be seeking to maximise environmental gain from this site both to enhance the environment of the industrial part and for "the greater good". In conclusion, English Nature see opportunity within this development to greatly improve this brownfield site and to take up higher environmental standards whilst adding valuably to the economic resources of the County.

- 4.4 Welsh Water letter dated 21st July 2003. Welsh Water object to this application as the proposed development would overload the existing sewage system. No improvements are planned within the Welsh Water's Capital Investment Programme. It may be possible for the developer to fund some accelerated provision of replacement infrastructure under Section 98-101 of the Water Industry Act 1991.
- 4.5 Transco have forwarded a response indicating the location of a gas pipe facility on part of the site and suggests safe digging practices in accordance with HS(G)47.

Internal Council Advice

- 4.6 Head of Engineering and Transportation (Transportation): there are no objections to the principle of the proposal, however the transport assessment accompanying the application does not fully address a number of the significant issues with respect to the Development Brief. This includes potential for access by rail, the routing of HGV's within the site, details regarding future Green Travel Plans, particularly in respect of plan administration targets and monitoring. It is also noted that the internal layout of the site will need more detailed consideration at the planning application stage, particularly with respect to access, road standards, parking provisions and turning and manoeuvring of large vehicles.
- 4.7 Chief Conservation Officer has suggested a number of conditions with regard to nature conservation and ecology and future landscape management of the site. At present a number of issues relating to the ecology remain outstanding and are currently being progressed.

Following initial trial trenching on site it is considered that no further archaeological work is required prior to determination and accordingly no objections are raised on this issue subject to the imposing of conditions DO1 and DO4 should permission be granted.

5. Representations

- 5.1 Wellington Parish Council: Councillors feel that the information provided is too vague for them to make a judgement and the effect on the traffic flow is unknown. They consider the junction to be inadequate for the present use of the site.
- 5.2 Herefordshire Nature Trust: the proposal has potential to affect Long Coppice, an area of semi-natural ancient woodland and Wellington Marsh, a special wildlife site. The proposal would result in the disturbance to the woodland of Long Coppice and represents a minor negative impact. In our opinion mitigation proposals could be suggested that would be likely to make the impacts of the development more acceptable, these include
- avoiding any heavy vehicular traffic through the wood and marsh.
 - storage of equipment and materials on site where chemicals do not drain directly into drainage ditches.
 - replanting disturbed areas with appropriate native species.

On the above basis we would recommend Herefordshire Council approve the development subject to the above.

- 5.3 The Forestry Commission: the application is within 500 metres of an ancient semi-natural woodland, however the scale of the proposal is such that there will be no affect on the woodland and consequently we have no comment to make on this occasion.
- 5.4 One letter of objection has been received from Mrs. J. Lane, Marsh Cottage, Wellington, Hereford, HR4 8DT. Concerns are expressed mainly on the basis of highway safety and additional traffic which would be created through redevelopment of the site. The A49 is already extremely dangerous and increased traffic numbers from this site will have a significant impact. This application must be considered in association with the Tarmac application which will also significantly affect the A49.

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 Whilst this proposal is an outline application only with all matters except access being reserved for future consideration, there are a number of important issues which need to be carefully considered at this stage to ensure an appropriate form of development should permission be granted. The key issues in this instance are considered to be the principle of the proposed B1 and B8 uses for this part of the Moreton Park site, the access and highway issues associated with the site's development, the landscape and nature conservation issues associated with the scheme and the foul and surface water drainage arrangements which need to be provided to deliver a satisfactory form of development.

Principle of the Use

- 6.2 The depot as a whole (northern, central and southern sectors) is referred to within Part 1 of the South Herefordshire District Local Plan. The guidance provides for B1/B8 uses on the central and southern sectors which are the areas subject of this outline planning application. Part 2 of the plan deals with the application site in more detail as does the Moreton Park Development Brief (produced by the Herefordshire Council in 1999). That indicates that appropriate B1/B8 employment opportunities are encouraged on this site which do no compromise the economic development aims of the County as a whole.

Both the adopted Local Plan and the Development Brief recommend that a balanced approach to the site's redevelopment should be taken. It is important to note however that para. 3.3 of the Development Brief states that the Inspector presiding over the Inquiry into the South Herefordshire District Local Plan did not view this site as a new employment land allocation rather as recognition of an established land use. As such, he went on to add that there should not be no exacerbation or over provision on this brownfield site and that the site should be viewed as an addition to the stock of available business premises elsewhere in the district notably the Rotherwas Industrial Estate.

As submitted the application specify a maximum floor area for development on the site of 63,390m². However given that the application is in outline form only and that no detailed layout plans are proposed, it is not considered reasonable to approve a specific floor area allocation which could have significant implications for the future development of the site. In view of these concerns the applicant has agreed that the outline application should be for a B1/B8 uses only and that future reserved matters applications must be assessed on their own merit having regard to other development on the site. It should also be noted that B1 and B8 land uses generate both different numbers and types of vehicles to and from the site and that some form of condition controlling, particularly the B1 element is likely to be required in light of the site's potential capacity.

It is considered that the principle of a B1/B8 redevelopment of this part of the Moreton camp site accords with both the adopted South Herefordshire District Local Plan and the Development Brief for the site. This is on the basis that all other issues at this time are considered acceptable and can be reasonably controlled through conditions where appropriate.

Highway Issues

- 6.3 Given the site's direct access from the A49 (trunk road) the Highways Agency are the critical consultee with regard to traffic generation from the redevelopment of this site. In their latest letter (dated 13th November, 2003) they set out three conditions which they would like to see attached to any outline planning permission granted by this Authority. The first condition seeks to limit the B1 office element of the development to no more than 10,000m² gross floor area. As previously stated the parking and traffic generation associated with B1 and B8 uses can vary significantly, however B1 (office development) tends to generate significant private car movements and as such there is a requirement for more parking spaces. The restriction to 10,000m² should help restrict the private car movements to the site to enable the A49 to continue to work effectively.

In their second suggested condition the Highways Agency suggest that where future employers have more than 20 employees, they will be obliged to enter into agreement with Herefordshire Council to promote and coordinate a Green Transport Plan for their site. This again is intended to reduce the need for private transport to the site and increase opportunities for walking, cycling, public and private bus use, car sharing and any other initiatives that make a positive contribution to improving transport efficiency. Finally, the Highways Agency request improvement to the existing vehicular access to this part of the site prior to the occupation of any new premises. Basically this requires improvements to the right hand turning lane into the site and improvements to visibility to the south of the existing access. The plan submitted by the applicant's highway consultant to comply with this requirement shows that land outside the application site is required to fulfil the visibility improvements which will include the removal of a large roadside tree. The applicant has indicated that they are seeking to acquire the adjoining land in order to comply with the conditions requirements. They have also however written directly to the Highways Agency suggesting that the road junction improvements are only necessary upon completion or occupation of a certain level of the development. The Highways Agency have not yet commented on this matter and their response will be particularly important for this outline application.

Landscape and Nature Conservation

- 6.4 Both the landscape and nature conservation issues associated with the redevelopment of Moreton Park are particularly sensitive. In landscape terms there is no objection to the overall development and it is considered that the proposal generally conforms to the principles established by the adopted Development Brief. It is important however that an overall landscape master plan is required which would include long term maintenance and management of the site. Management plans are also required for the Long Coppice area which does not form part of the application site but is within the applicant's ownership.

The ecological report accompanying this application was considered as submitted to be insufficient in terms of detail and survey background to allow a proper assessment. Since that time further discussions and meetings on site have taken place with the Council's Conservation Officer who has suggested a detailed series of conditions are required for the development to take place. The applicant's consultant on ecology has responded (dated 4th December, 2003) making a number of views on the suggested conditions of the Council's Conservation Officer. Again, as with the highway issues further comments are awaited from this specialist consultee with a view to formulating any detailed and comprehensive conditions to ensure the sensitive ecology of this site is adequately dealt with and where possible enhanced.

Foul and Water Surface Drainage

- 6.5 In respect of land drainage the Environment Agency have been in detailed discussions with the applicant and the Agency's Groundwater Team who identified a need for further investigations in some potential risk areas on this former Ministry of Defence Depot. The Agency are satisfied that this can be dealt with through a condition requiring a Method Statement for further survey work and any required mitigation upon its completion. With reference to flood risk a condition is suggested from the Environment Agency to ensure there should be no buildings or structures including the raising of ground levels on the areas identified within the indicative flood plain map. This only relates to the northern tip of the site and does not directly affect the majority of the land subject to this outline application. The Agency also make a number of comments with regard to the opportunity for a sustainable urban drainage system from the site.

With reference to potential increases in foul water generation, Members will note the latest comments of Welsh Water (dated 21st July, 2003) who object to the development but state that developer may be able to fund improved infrastructure under Section 98–101 of the Water Industry Act 1991. This objection again relates to the current problems with capacity levels in the public sewer system in and around Hereford. The applicant's agent has indicated that Welsh Water are intending to build a pumping station but are concerned that at some stage that apart from the development to that pumping station will have to be upgraded. The applicant is willing to agree to a condition to provide the required infrastructure, however further comments from Welsh Water are considered necessary to ensure this is both feasible and a reasonable planning condition to impose on any outline permission granted.

- 6.6 This application involves significant redevelopment of this former Ministry of Defence Depot and has a number of complex issues which need to be satisfactorily addressed in order to bring the site forward for development. The principle of B1 and B8 uses on this site are firmly established in both the adopted South Herefordshire District Local Plan and the Council's own adopted Development Brief (1999). Whilst this establishes the principle for development of the site, it does not reduce or alter the complexity of some of the site specific issues outlined above. As Members will note detailed discussions have been continuing for a considerable period on those specific issues and at this time Officers are not in a position to offer a formal recommendation. However, in light of the application by Tarmac Limited on the land immediately to the north of this application site and the comments of the local Parish Council were clearly concerned about the implications of both applications on the local environment and highway network, a Committee site visit is recommended. This should enable Members to get a full and proper understanding of the issues associated with this application and allow for the outstanding comments required from internal and external consultees to be forwarded for Officers' consideration.

RECOMMENDATION

That Members of the Central Area Planning Sub-Committee undertake a site visit to consider the potential impact of this development on the character and appearance of the area.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

8 DCCW2003/3376/F - TEMPORARY ERECTION OF ONE METAL CONTAINER TO PROVIDE STORAGE FOR TRACTOR AND ASSOCIATED IMPLEMENTS (PREVIOUS APPROVAL NO. CW2000/0783/F) AT DONKEY SANCTUARY, BELVEDERE LANE, HEREFORD

For: Hereford Cathedral School per Jamieson Associates, 30 Eign Gate, Hereford, HR4 OAB

Date Received: 10th November 2003 Ward: St. Nicholas Grid Ref: 50229, 39565

Expiry Date: 5th January 2004

Local Member: Councillor Mrs. E.M. Bew

1. Site Description and Proposal

- 1.1 The application concerns a site on the east side of Belvedere Lane which runs south towards the River Wye from Broomy Hill. The site comprises an area of some 0.5 ha of grassland used as a cricket pitch in association with the school. There are a number of trees to the eastern boundary of the site, beyond which runs the Great Western Way. The rear gardens of dwellings on Broomy Hill adjoin the northern edge of the site.
- 1.2 The proposal is for the retention of a single metal container in the north-east corner of the site which was granted a temporary permission for a period of three years in 2000. The container is painted dark green and is 12 metres long with a width and height of 2.45 metres.

2. Policies

2.1 Planning Policy Guidance:

PPG1	-	General Policy and Principles
PPG15	-	Planning and the Historic Environment
PPG17	-	Sport and Recreation
PPG25	-	Development and Flood Risk

2.2 Hereford and Worcester Structure Plan:

Policy CTC9	-	Development Requirements
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2.2 Hereford Local Plan:

Policy H21	-	Compatibility of Non-residential Uses
Policy CON12	-	Conservation Areas
Policy CON13	-	Conservation Areas – Development Proposals
Policy R5	-	Loss of Private Outdoor Playing Space

2.3 Herefordshire Unitary Development Plan (Deposit Draft):

Policy DR1	-	Design
Policy DR7	-	Flood Risk
Policy HBA6	-	New Development within Conservation Areas

3. Planning History

- 3.1 HC/870205/PF Erection of four dwellings. Refused 2nd July, 1987.
 HC/970388/PF Change of use to form netball/tennis courts for Hereford Cathedral School. Approved 25th March, 1998.
 CW2000/0783/F Temporary erection of 2 no. metal containers for storage. Approved 21st April, 2000 - later amended to one container with the consent of the Local Planning Authority.

4. Consultation SummaryStatutory Consultations

- 4.1 Environment Agency: "The Agency OBJECTS to the proposed development, as submitted, on the following grounds:

The proposed development lies within the historic floodplain of the River Wye. The site also lies within the Indicative Floodplain and is located within the SEction 105 modelled Floodplain of the River Wye for a 1 in 100 year flood event and therefore may be at risk of flooding in the future.

The proposed development is therefore considered to be at risk of flooding, and is likely to result in net loss of flood flow path and flood storage and could also thereby unacceptably increase the risk of flooding elsewhere.

The Agency acknowledges that an application was submitted for two metal containers in 2000 (reference CW2000/0783/F) which the Local Planning Authority approved against the Agency's advice on flood risk grounds. The Agency however, has responded to this application in line with current Planning Policy Guidance [Note] 25 - Development and Flood Risk which was released in July 2001. Paragraph 57 of PPG25 states that:

"The susceptibility of land to flooding is a material consideration in the determination of planning applications planning permission should be reviewed in the light of the latest evidence on flood risk."

PPG25 was not in existence when making the earlier decision.

...the proposed development fails to demonstrate that it will not impede flood flows or result in a net loss of floodplain storageIf you are minded to approve the application contrary to our objection, attention is drawn to paragraph 65 of PPG25 which advises that the Agency should be re-notified, for you [the Local Planning Authority] to explain why material considerations outweigh the objection, and to give the Agency the opportunity to make further representations."

Internal Council Advice

4.2 Head of Engineering and Transportation: No objection to the grant of planning permission.

4.3 Chief Conservation Officer: views awaited.

5. Representations

5.1 Hereford City Council: no objection. The Council would recommend a five year consent.

5.2 Two letters of objection have been received from the owner of 9 Broomy Hill, Hereford and Mr. G.J. and Mrs. M.W. Watkins of The Bungalow, Belvedere Lane. The content of the letters is summarised below:

- The metal container is an eyesore in the Conservation Area.
- It is sited close to the boundary with No. 9 Broomy Hill, giving the public opportunity of access to the rear garden of this property.
- The north facing elevation is often used as a public convenience.
- The floodplain is already an area for concern with local residents and continued obstruction should be avoided.
- The original permission was for a temporary period only.

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

6. Officers Appraisal

6.1 This application is for the retention of a single metal storage container to the north-eastern corner of a site to the east side of Belvedere Lane which runs south towards the River Wye from Broomy Hill. The site comprises an area of some 0.5 ha of grassland, currently utilised as a cricket pitch during the summer months. There are a number of trees around the edge of the site with dwellings adjoining to the north. The Great Western Way adjoins the eastern boundary.

6.2 The site is within a Conservation Area with one of the principal elements of this area being the largely undeveloped riverside meadows. The container is not an attractive structure but in the current location and painted dark green, it is not unduly obtrusive.

6.3 The application describes the proposal as “temporary” but is not specific as to any particular period. It is considered that the proposal does not cause significant harm to the Conservation Area but that any further permission should be limited to a period of three years. The container should not be accepted on a permanent basis.

6.4 With regard to flooding there are policies in the Development Plan that seek to protect areas liable to flooding from development unless mitigation works and protection to third parties are incorporated. The Environment Agency’s policy document and PPG25 – Development and Flood Risk reinforces this approach. Members are referred to The Agency’s objection to the retention of the container (para. 4.1).

6.5 The container has a total floor area of some 30 square metres and is sited within an area identified by the Environment Agency as being liable to flood. The container is however situated towards the northern edge of the floodplain as indicated on the

Agency's own indicative floodplain diagram. Alternative locations for the container within the site have been explored, but would either result in the same impact upon the floodplain or have a more significant visual impact upon the appearance of the Conservation Area.

- 6.6 Some attempt has been made to mitigate the impact of the container upon the floodplain with the placing of the container upon wooden bearers. As such the container is raised some distance above ground level which has led to the introduction of an access ramp.
- 6.7 It is acknowledged that the development will have an impact in the event of a flood and does not comply with the Development Plan. However the difficulty the applicants have in finding a suitable location for such storage in the locality are recognised and with the current location being towards the edge of the floodplain it is considered that the grant of a temporary planning permission is acceptable in this instance. However, the siting of the container is not deemed acceptable in the long term, and the applicants should seek a more suitable and sustainable alternative to the problem of storage.
- 6.8 It should be noted by Members that should the Local Planning Authority conclude that material considerations outweigh the objections of the Environment Agency on flooding issues, the Local Planning Authority must inform the Agency that they are minded to grant permission and the reasons for so doing.
- 6.9 This process gives the opportunity for the Agency, where they maintain their objection, to either recommend practicable improvements to the scheme or refer the application to the Secretary of State.

RECOMMENDATION

That the application be referred to the Environment Agency, and subject to them confirming that they will not be referring the application to the Secretary of State then planning permission be granted subject to the following condition and any other conditions considered necessary by the Environment Agency:

- 1. This permission shall expire on 14th January 2006. Unless further permission is granted in writing by the local planning authority prior to the end of that period, the use hereby approved shall permanently cease.**

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

9 DCCW2003/3399/F - RETENTION OF AN EXISTING 1200MM DIAMETER SATELLITE DISH AT CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS, KINGS ACRE ROAD, HEREFORD, HR4 0SD

For: Church of Jesus Christ of Latter Day Saints per Frith Williams Architects, 30A High Street, Newport, Shropshire, TF10 7AQ

Date Received: 12th November 2003 Ward: Three Elms Grid Ref: 47677, 41351
Expiry Date: 7th January 2004

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

1. Site Description and Proposal

- 1.1 The site lies on the A438 Kings Acre Road to the west of the city centre. The Church building is a substantial brick built structure of broadly rectangular form, north/south aligned, with associated car parking to the east. The structure is situated to the western edge of the site, approximately 3 metres from the boundary with No. 264 Kings Acre Road at its closest point. A Leylandii hedge marks this boundary, which is in the ownership of No. 264.
- 1.2 This application is for the retention of a satellite dish which is affixed to the western elevation of the building. The dish measures 1200 mm in diameter and the underside is approximately 2 metres above ground level.

2. Policies

2.1 Hereford Local Plan:

Policy ENV14 - Design
 Policy H21 - Compatibility of Non-residential Uses

2.2 Herefordshire Unitary Development Plan (Deposit Draft):

Policy DR1 - Design

3. Planning History

- 3.1 HC930291PF Proposed extension to meeting house to form new multi purpose hall, entrance and teaching area and the conversion of the existing multi purpose hall into office and teaching area. Approved 24th September, 1993.
- 3.2 HC960437PF Removal of existing roof mounted spire and erection of free-standing spire. Approved 31st October, 1997.

4. Consultation Summary

Statutory Consultations

- 4.1 There are no statutory consultees.

Internal Council Advice

- 4.2 Head of Engineering and Transportation: No objection to the grant of permission.

5. Representations

- 5.1 Hereford City Council: No objection.

- 5.2 Breinton Parish Council: Objection.

"The dish is too low and on the wrong side of the building. This is detrimental to the amenity of the neighbour because it blocks out early morning sunlight. The Parish Council is also concerned about the health implications of siting a dish so low. If it was mounted on the north side and fixed on a separate mast at a height sufficient to clear the roof, it would be acceptable."

- 5.3 One letter of objection has been received from the occupier of No. 264 Kings Acre Road. The main points are summarised below:

- The dish is obtrusive and unsightly when viewed from both the rear of the property and the driveway.
- The Leylandii hedge has been allowed to grow unchecked in order to mitigate the impact.
- Alternative sites should be explored for the dish, ideally in the roofspace or on the other side of the building.

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

6. Officers Appraisal

- 6.1 The proposal is for the retention of a 1.2 metre diameter satellite dish sited on the western elevation of the Church of Latter Day Saints. The dish is screened in part by a Leylandii hedge and is relatively unobtrusive when viewed from Kings Acre Road.

- 6.2 In response to the representations received from Breinton Parish Council and the occupier of No. 264 Kings Acre Road, the Local Planning Authority wrote to the applicant's agents, requesting that they examine alternative sites for the dish.

- 6.3 A response was received on the 22nd December, 2003 which states that the only other alternative site would be to the east of the building, near to the car park. This would involve the erection of a 12-foot pole and bracket, with the dish sited at the top. The agents argue that this would be more visually obtrusive than the current arrangement.

- 6.4 The agents accept that the dish could be lowered in its current position, although they would be reticent to do so, as this may increase the possibility of unmitigated vandalism to the dish.
- 6.5 The Local Planning Authority accept that the dish is visible from the rear of No. 264 Kings Acre Road and that the Leylandii hedge has been allowed to grow in order to screen the dish from view. However, in relation to the host building the dish is considered to be in scale and unobtrusive when viewed from other aspects.
- 6.6 In conclusion after full consideration of representations received, it is considered that the retention of the dish in the erected position is acceptable owing to a lack of alternative sites and that planning permission for the retention of the dish should be granted. The alternative sites have been examined but the Local Planning Authority has a duty to determine the application before it. The site and location of the dish is typical for such a location.

RECOMMENDATION

That planning permission be granted:

Note to Applicant:

The decision to grant planning permission has been taken having regard to the policies and proposals in the Hereford Local Plan set out below, and to all relevant material considerations including Supplementary Planning Guidance:

- Policy ENV14 - Design**
- Policy H21 - Compatibility of Non-residential Uses**

This informative is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report by contacting Reception at Blueschool House, Blueschool Street, Hereford (Tel: 01432-260342).

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

