

1 NC2003/1812/F - REMOVAL OF CONDITION 2 OF PLANNING PERMISSION MH206/89 DATED 9.5.89 "NO ROLLING STOCK SHALL PASS TO THE NORTH WEST OF THE LINE MARKED X - X ON THE PLAN HEREBY APPROVED" AT ROWDEN MILL STATION, WINSLOW, BROMYARD, HEREFORDSHIRE, HR7 4LS

For: Mr A J Wilkinson of 12 Oswell Road, Walsall, WS1 2PJ

Date Received:

16th June 2003

Expiry Date:

11th August 2003

Ward:

Bringsty

Grid Ref:

62640, 56670

Local Member: Councillor T W Hunt

1. Site Description and Proposal

- 1.1 The application site lies in an Area of Great Landscape Value to the north-west of the former Rowden Mill Railway Station and to the rear of and north east of Station Cottage and Station House. Running parallel to the site is a driveway which gives vehicular access to the remainder of the land in the ownership of the applicant.
- 1.2 The application seeks approval for the use of an existing length of track (approximately 172m) for powered and hand operated rolling stock. There is currently a restrictive condition preventing its use.

2. Policies

1.2 Hereford and Worcester Country Structure Plan

CTC.2 – Development in Areas of Great Landscape Value

CTC.9 – Development Criteria

2.2 Malvern Hills Local Plan

Landscape Policy 3 Development in Areas of Great Landscape Value

2.3 Herefordshire Unitary Development Plan (Deposit Draft)

LA2 Landscape character and areas least resilient to change

3. Planning History

MH2092/83 - Conversion to form dwelling. Approved 21 November 1983

MH206/89 - Engineering operation involving the laying of ballast and railway track on short section of former Bromyard-Leominster railway line. Approved 9 May 1989.

MH1085/90 - Locate GWR coach body on ground at the Leominster end of station yard to be used for storage. Refused 17 July 1990.

MH91/0273 - The siting of a former GWR coach body built approx. 1898 on land forming part of the old permanent way at the Leominster end of the station yard. The coach body is less chassis and wheels. It is restore externally on track side. It would be used for storage purposes only i.e., agricultural equipment, railway track materials, assorted tools etc. Approved 9 May 1991.

MH92/1034 - The lifting of the restrictions in Part ii of Planning Permission MH 206/89. Refused 6 October 1992. Appeal dismissed 25 May 1993.

MH97/0628 - Modify condition 2 of existing planning permission MH 206/89 to allow use of headshunt for unloading and loading. Approved 12 August 1997.

N99/1924/F - Use of Headshunt for loading and unloading. Approved 23 September 1999.

4. Consultation Summary

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

5. Representations

- 5.1 Wacton Parish Council does not support this application. Planning permission to remove the condition has been refused previously and an appeal was dismissed in 1993. There has been no material change in the situation.

- 5.2 Bromyard Town Council: declined to comment

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- 5.3 Letters of representation have been received in response to the proposed development from:

David and Rosemarie Sutton, Station Cottage
Dr J K Ilsely, Rowden Mill House
R L & M J Lawrence, Rowden Mill
Mr I D and Mrs R K Lock, Station House.

The main concerns raised are:

- adverse impact of complete removal of restrictive condition
- noise pollution and nuisance due to close proximity of track to two residential properties (approximately 20 and 35 metres respectively)
- Visual impact especially in winter months
- Currently a peaceful area used by walkers, cyclists and horse riders. Tranquility at risk from proposed development
- No alteration in circumstance since the last refusal
- Rolling stock could be parked at rear of adjacent residential properties for long periods
- Limited length of track means continuous runs up and down are necessary

- Health and safety issues - using heavy locomotive and rolling stock
- Lack of insulation against noise, fumes or disturbance
- Height of locomotives and rolling stock is intrusive and intimidating
- Existing length of track should be sufficient for usage
- Comparison of use of farm track with proposed use is not accepted

5.4 In support of the proposal the applicant has submitted two statements setting out the changes which have occurred since the application was refused permission in 1992 namely:

- the tree barrier between the railway track and Station Cottage is now mature and forms a screen and noise barrier,
- he is now retired and is totally flexible about operating times
- the trees in the area have grown considerably making previous objections irrelevant in this respect.

Furthermore in response to the letters of representation the applicant has suggested restricting the operation to 2 days per month for the diesel locomotive and 4 days per month for the trolleys. All stock, when not in use would be kept in the station area, as is done currently.

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

6. Officers Appraisal

6.1 The main issues for consideration in determining this application are as follows:

- a) impact of the development on the character and appearance of this Area of Great Landscape Value
- b) the impact of the development on the amenities of local residents

Character and appearance of the area.

6.2 The application site lies in an area of open countryside, recognised for its landscape quality by its designation in Malvern Hills Local Plan as an Area of Great Landscape Value.

6.3 The site is largely screened to longer distance views by existing mature hedgerows and trees, which mark the boundaries and are found adjacent to the site.

6.4 The maturity of the vegetation around the site is a material change since the last application in 1992. As such it is not considered that the proposal would result in demonstrable harm to the character or appearance of the area.

6.5 To ensure that the impact of the development is kept to a minimum a condition, requiring a landscaping scheme to include retention of existing trees and hedges within the applicants ownership, should be imposed.

Residential amenity:

6.6 The letters of representation set out the concerns regarding potential loss of amenity and adverse impact upon the quiet enjoyment of their homes and gardens. In planning terms, the protection of residential amenities is a material consideration.

- 6.7 Care has been taken to assess the potential impact of the proposed development together with suggested restrictive conditions.
- 6.8 It is accepted that to allow unrestricted use of the track would give rise to nuisance. However, on the basis of the existing rolling stock, limited use of the track would not cause demonstrable harm to residential amenities of those living adjacent to the site.
- 6.9 It is therefore recommended, incorporating the advice of the Environmental Health Officer, that conditions are imposed limiting the number of days, times of use, type of rolling stock and preventing the use of whistles or hooters.
- 6.10 This level of strict control will safeguard amenities and the temporary planning permission will allow the situation to be monitored and ultimately re-visited and reviewed at the end of the 12 month period.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 - E20 (Temporary permission) (31 August 2004) (Add at end 'after which no rolling stock shall pass to the north-west of the line marked x-x on the plan hereby approved')**

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

- 2 - The times at which the use hereby granted permission may take place shall be restricted to 2 days per calendar month for the diesel and 4 days per calendar month for the trolleys. There shall be no operations on Sunday or Bank Holidays and no operations on more than 2 consecutive days within any calendar week. The hours of use during the permitted period shall be restricted to 2.00pm to 4.00pm.**

Reason: To enable the Local Planning Authority to maintain control in the interest of the amenities of occupiers of adjacent residential properties.

- 3 - No rolling stock shall be parked on the track the subject of this planning permission outside the operating times as detailed in condition 2 above.**

Reason: To enable the Local Planning Authority to maintain control in the interest of the amenities of occupiers of adjacent residential properties.

- 4 - The type of rolling stock shall be restricted to the stock detailed in the schedule received on 4 August 2003 unless otherwise agreed in writing with the Local Planning Authority.**

Reason: To enable the Local Planning Authority to maintain control in the interest of the amenities of occupiers of adjacent residential properties.

- 5 - No whistles or hooters shall be used at any time on the site.**

Reason: To enable the Local Planning Authority to maintain control in the interest of the amenities of occupiers of adjacent residential properties.

- 6 - A record shall be kept by the applicant of the occasions referred to in condition 2 above and prior notification of at least a week must be given to the occupiers of Station Cottage and Station House.

Reason: To enable the Local Planning Authority to maintain control in the interest of the amenities of occupiers of adjacent residential properties.

- 7 - G10 (Retention of trees)

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.