

**APPENDIX**

[N.B. For the efficient transaction of business, Ref. 5 was considered before Ref. 4]

Ref. 1  
**WITHINGTON**  
CE2003/1309/F

Demolition of former supermarket and erection of 35 detached, semi-detached and terraced houses and flats, to include associated access roads, landscaping and open space and one village convenience shop unit at:

**FORMER GP STORES SUPERMARKET, WITHIES ROAD, WITHINGTON, HEREFORD**

For: **MASON RICHARDS PARTNERSHIP, SALISBURY HOUSE, 2A TETTENHALL ROAD, WOLVERHAMPTON, WEST MIDLANDS, WV1 4SG**

The Principal Planning Officer advised Members of ongoing discussions with Welsh Water regarding drainage capacity issues.

In accordance with the criteria for public speaking, Mr. Bainbridge spoke on behalf of Withington Parish Council.

Councillor R.M. Wilson, the Local Member, noted that that the proposal would regenerate a brown-field site and welcomed the application. He also welcomed the financial contribution from the applicant for local community facilities, particularly the public open space and off-site recreational provision.

In response to a question, the Principal Planning Officer advised Members that, whilst the local planning authority could not influence who occupied commercial premises, it was understood that the applicant intended to give first refusal for the new store to the owner/occupier of the existing village store.

**RESOLVED:**

1. **That subject to the satisfactory resolution of the objection from Dwr Cymru Welsh Water the County Secretary and Solicitor be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act requiring the applicant to:**
  - (i) **Provide twelve on-site affordable housing units through a Registered Social Landlord;**
  - (ii) **Contribute £23,000 towards education provision in the local area;**
  - (iii) **Provide public open space and toddlers play equipment or finance for the same to the value of £23,565;**
  - (iv) **Contribute £30,000 towards off-site recreation provision;**

**And deal with any other appropriate and incidental terms,**

matters or issues.

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

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

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

- 2 A07 (Development in accordance with approved plans)

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

- 3 B01 (Samples of external materials)

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

- 4 F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

- 5 No more than 50% of the open market dwellings shall be occupied prior to the completion and sale to a Registered Social Landlord of the affordable housing.

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

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

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

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

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

- 8 F20 (Scheme of surface water drainage)

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

- 9 D03 (Site observation - archaeology)

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

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

**Reason: To safeguard residential amenity and prevent pollution.**

- 11 G01 (Details of boundary treatments)**

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

- 12 G02 (Landscaping scheme (housing development))**

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

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

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

- 14 G06 (Scope of landscaping scheme)**

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

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

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

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

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

formed which would obstruct the visibility described above.

Reason: In the interests of highway safety.

**17 H08 (Access closure)**

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

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

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

**19 H18 (On site roads - submission of details)**

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

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

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

**21 H29 (Secure cycle parking provision)**

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

**Notes to Applicant:**

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

Ref. 2  
**HEREFORD**  
CE2003/2431/F

Erection of 1.2m fence at:

**62 COLLEGE GREEN, HEREFORD, HEREFORDSHIRE, HR1 1HP**

For: **MRS. D.A. HOPKILNS, 62 COLLEGE GREEN, HEREFORD,  
HR1 1HP**

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

**Reason: To safeguard the amenities of the neighbouring property.**

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

**Reason: To safeguard the amenities of the neighbouring property.**

**Notes to Applicant:**

**1 N03 - Adjoining property rights**

**2 N14 - Party Wall Act 1996**

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

Ref. 3  
**WITHINGTON**  
CE2003/2148/F

Retention of timber conservatory at:

**MINTON HOUSE, WITHINGTON, HEREFORD, HEREFORDSHIRE,  
HR1 3QA**

For: **MR. D. MOWBRAY PER MR. J. MALONE, THE STUDIO, UNIT  
9, HOLME LACY IND. ESTATE, HOLME LACY ROAD,  
HEREFORD, HR2 6DR**

In response to a question from Councillor R.M. Wilson, the Local

Member, the Principal Planning Officer advised Members that a condition could be added to any planning permission granted to require that the timber construction be painted a more suitable colour.

**RESOLVED:**

**That planning permission be granted subject to the following condition:**

**1 A06 (Development in accordance with approved plans)**

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

**2 Within 2 months of the date of this decision notice, details of the final colours for the timber framing of the conservatory hereby approved shall be submitted for approval in writing by the local planning authority. The conservatory shall be finished in the final colour as approved.**

**Reason: To safeguard visual amenity.**

Ref. 4  
**HEREFORD**  
CE2003/2466/T

15m dynamic concepts tampered timber monopole solution, incorporating 3 antennae and two transmission dishes and associated cabinet equipment at:

**TUPSLEY COURT, HAMPTON DENE ROAD, HEREFORD,  
HEREFORDSHIRE, HR1 1UX**

For: **HUTCHISON 3G UK, WHITE YOUNG GREEN, ROPEMAKER  
COURT, 12 LOWER PARK ROW, BRISTOL, BS1 5BN**

The Principal Planning Officer reported the receipt of comments from English Nature and the Council's Ecologist (no objections subject to informative notes). The receipt of 5 further letters of objection, including correspondence from Paul Keetch M.P. and the Bishop of Hereford Bluecoat School, and a petition containing 224 signatures of local residents was also reported.

In accordance with the criteria for public speaking, Mrs. May and Mr. Weaver spoke against the application.

The Principal Planning Officer summarised the main considerations.

Councillor W.J. Walling advised that there was considerable public disquiet about the proposal in the Tupsley ward, particularly regarding possible consequences to health.

It was reported that, in accordance with PPG8, the applicant had submitted a 'Declaration of Conformity with ICNIRP Public Exposure Guidelines'; copies of this document were circulated at the meeting.

Councillor D.B. Wilcox commented that some community groups had not been consulted by the applicant in accordance with PPG8. He noted that one of the conclusions of the Stewart Report, into the state of

knowledge about mobile phones and health, was that it was not possible at present to say that exposure to RF radiation was '*totally without potential adverse health effects, and that the gaps in knowledge are sufficient to justify a precautionary approach*'. He also noted that PPG8 recommended that high priority should be given to '*the need to safeguard areas of particular environmental importance*'. Councillor Wilcox proposed that the application be refused given the level of public concern, the detrimental effect on the skyline and the impact on the environment and on wildlife.

In response to the views expressed by some Members, the Chief Development Control Officer commented that reasons for refusal had to be supported by clear and solid evidence. He reminded Members that the professional advice provided on wildlife issues was that there were no planning reasons for refusal; license requirements were covered by separate legislation. He also reminded Members that the mast would be of a monopole design and was unlikely to have an impact sufficient enough to warrant refusal.

In response to a question, the Chief Development Control Officer outlined the consultation process that would have been undertaken by officers as part of the application process.

The Chief Development Control Officer reminded the Sub-Committee that the authority was required to issue its determination and ultimate decision within 56 days from the date of receipt of the application for determination.

A motion to refuse the application failed and the recommendation detailed in the report and reproduced below was agreed.

**RESOLVED:**

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

**Notes to Applicant:**

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

Ref. 5  
**MARDEN**  
CW2003/2279/F

Erection of one bungalow, one dormer bungalow and garages at:

**MARDEN SERVICE STATION, MARDEN, HEREFORD,  
HEREFORDSHIRE, HR1 3DN**

For: **MR. G. PORTER PER MR. D. MUNDY, 8 BALLARD CLOSE,  
LUDLOW, SHROPSHIRE, SY8 1XH**

Councillor J.G.S Guthrie, the Local Member, noted that Marden Parish Council had no objections and welcomed the proposal.

**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. **E16 (Removal of permitted development rights).**

**Reason: In the interests of local amenity.**

5. **E18 (No new windows in specified elevation).**

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

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

**Reason: To protect the amenity of local residents.**

7. **F48 (Details of slab levels).**

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

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

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

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

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

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

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

**11. The public footway shown on the site plan along the northern edge of the site and alongside the communal driveway shall be kept open for public access at all times and shall not be obstructed in any way.**

**Reason:** In the interests of local amenity.

**12. Prior to commencement of development, details of a suitable demarcation line along the edges of the public footway shall be submitted to and approved in writing by the local planning authority. Development shall be in accordance with the approved details.**

**Reason:** In the interests of local amenity.

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

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

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

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

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

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

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

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

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

**Reason:** To prevent pollution of the water environment.

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

approved by the local planning authority.

Reason: To prevent the increased risk of flooding.

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

- (a) The application site has been subjected to a detailed scheme for the investigation and recording of contamination and a report has been submitted to and approved by the local planning authority.
- (b) Detailed proposals in line with current best practice for the removal, containment or otherwise rendering harmless such contamination (the "Contamination Proposals") have been submitted to and approved by the local planning authority.
- (c) For each part of the development contamination proposals relevant to that part (or any part that would be affected by the development) shall be carried out either before or during such development as appropriate.
- (d) If during development works any contamination should be encountered which would previously identified and is derived from a different source and/or a different type to those included in the "Contamination Proposals" then revised "Contamination Proposals" shall be submitted to the local planning authority.
- (e) If during development works site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed "Contamination Proposals".

Reason: To prevent pollution of the water environment.

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

Reason: In the interests of neighbours amenities.

Notes to Applicant:

1. If a connection is required to the public sewerage system, the developer is advised to contact the Dwr Cymru Welsh Water's Network Development Consultants on tel: 01443 331155.
2. HN01 - Mud on highway.
3. HN04 - Private apparatus within highway.
4. HN05 - Works within the highway.
5. HN10 - No drainage to discharge to highway.

6. If during construction/excavation works any contaminated material is revealed then the movement of such material either on or off site should be in consultation with the Agency. Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 34 of the Environmental Protection Act 1990.

Carriers transporting waste from the site must be registered carriers.

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