

11 DCNC2004/1925/F - CONTINUATION OF PLANNING PERMISSION NC2003/1812/F, WITH ALTERATIONS TO SOME OF THE CONDITIONS AT ROWDEN MILL STATION, ROWDEN LANE, WINSLOW, BROMYARD, HEREFORDSHIRE, HR7 4LS

For: Mr. A.J. Wilkinson, 12 Orwell Road, Walsall, WS1 2PJ

Date Received:
11th June, 2004

Ward:
Bringsty

Grid Ref:
62651, 56669

Expiry Date:
6th August, 2004

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 a permanent approval for the use of an existing length of track (approximately 172m) for powered and hand operated rolling stock. There is currently subject to a temporary permission with restrictive conditions.

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.

NC2003/1812/F Removal of condition 2 of planning permission MH206/89 "No rolling stock shall pass to the north west of the line marked x - x on the plan hereby approved". Approved 1 September 2003

4. Consultation Summary

Statutory Consultations

4.1 No statutory consultations were required.

Internal Council Advice

4.2 Head of Engineering and Transportation: No objections.

4.3 Head of Environmental Health and Trading Standards has no observations.

5. Representations

5.1 Wacton Parish Council response:

Condition 1	Raise no objection
Condition 2	Support application to increase times at which the diesel shall operate from 2 to 4 days per calendar month. Not support any change in the number of days when the trolleys can operate and ask that this remain at 4 days per calendar month. To object to any increase in the hours of use, and ask that they remain as previously approved 2.00pm to 4.00pm.
Condition 5	To raise no objection
Condition 7	The conveyance of passengers during diesel days should be restricted to one per day per calendar month
Condition 8	To raise no objection
Condition 9	Not to support any change and that records and prior notification of the occasions referred to in 2 above continue to be given to the occupiers of Station Cottage and Station House in writing at least one week prior.

5.2 Bredenbury Parish Council's representations were exactly the same as Wacton Parish Council.

5.3 Bromyard Town Council: Voted not to make comment on this application

5.4 Letters of objection have been received in response to the proposed development from:

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

The main concerns raised are:

- Nearby properties subject to noisy, dirty engines, trolleys and work gangs repairing and maintaining the track within yards of homes
- Proposal will result in extended period of disruption from 12.00 - 5.00
- Increased use of track is unreasonable, unjustified and unwarranted
- Current operations haven't been properly assessed
- Proposal represents significant increase in activities
- Additional items of rolling stock will add to noise and nuisance
- Increase visitors for site means home and gardens under continuous scrutiny
- Notification requirements should be retained as previously approved
- Use causes a deterioration in the quality of the environment of an attractive and tranquil part of the Herefordshire Countryside
- The application should be rejected, with a return to conditions laid down by previous council and Inspector in 1993.

5.3 Letters of support for the proposal have been received from:

Rev. Dr. S. Sheppard, 45 Hewitt Avenue, Kings Acre, Hereford
Judith S. Brown 62 St Clares Court, Lower Bullingham
Jenson Jones, Westfields House, Hereford Road, Bromyard
Mr. J. Pearson, Great Wacton Farm, Bromyard
Gerald Dawe for Rail for Herefordshire, P O Box 229, Hereford
D.M. Jones, The Manor, Bredenbury
Jane Jones, The Manor Farm, Bredenbury

The main points raised are:

- Can see no reason not to allow the application
- The proposal keeps the "Bromyard Branch" alive
- Enables schoolchildren to see historic railway and others to remember days of steam trains
- Site play important role in raising funds for local charities
- The restored railway is an important part of local heritage
- The diesel makes no more noise than a tractor or low flying aircraft - no more noise than one would expect from an agricultural area
- The applicant has kept to the regulations laid down by the council.
- No objections have been raised
- Minor changes, some for safety reasons, should be granted
- The proposed changes are reasonable

- 5.5 In response to concern, the applicant has replied that all permitted days have been utilised, and has included a schedule of suggested amended conditions. (These suggestions are reflected in the recommendation below.)
- 5.6 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 The impact of the proposed continued use of the 172-metre length of track is minimal in terms of any harm to the existing character and appearance of the wider landscape setting of the site.
- 6.6 To ensure that the impact of the development continues to be kept to a minimum the condition, previously imposed requiring a landscaping scheme to include retention of existing trees and hedges within the applicant's ownership, should be applied.

Residential amenity:

- 6.7 The letters of representation and points raised by the Parish Councils set out the concerns raised regarding loss of amenity, in particular by the two adjacent residential properties, in terms of adverse impact upon the quiet enjoyment of their homes and gardens. In planning terms, the protection of residential amenities is a material consideration.
- 6.8 The applicant was advised of the main areas of concern and negotiations have secured revisions to the proposed working arrangements at the site in accordance with the points raised and these will require the imposition of restrictive conditions.
- 6.9 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.

6.10 The differences now sought are set out below:

Condition 1: no longer temporary

Condition 2: 2 additional days per month for diesel operation, and allows Saturday use

Condition 5: allows use of an additional piece of rolling stock

Condition 7: previously no conveyancing of passengers on diesel days

Condition 8: use only as warning – previously not at all

6.11 It is therefore recommended that conditions are imposed limiting the number of days, times of use, type of rolling stock and preventing the use of whistles or hooters.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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 4 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 more than 4 pieces of rolling stock shall be used at any one time in conjunction with diesel days as set out in condition 2.

Reason: in the interests of the amenities of occupiers of adjacent residential properties.

6 - No more than one trolley shall be operated at any one time.

Reason: In the interests of the amenities of occupiers of adjacent residential properties.

7 - The conveyance of passengers during the diesel days shall be restricted to one per day per calendar month.

Reason: In the interests of the amenities of occupiers of adjacent residential properties.

8 - No whistles or hooters shall be used at any time on the site except as a safety warning.

Reason: In the interests of the amenities of occupiers of adjacent residential properties.

9 - 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.

10 - G10 (Retention of trees) (add 'unless otherwise agreed in writing with the local planning authority.)

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

Informative:

1 - N15 - Reason(s) for the Grant of PP/LBC/CAC

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.