

**12 DCNW2004/3904/F - PROPOSED DECKING AREAS,
CREATION OF BIN STORE AND GENERAL
LANDSCAPING AT THE JOLLY FROG THE TODDEN
LEINTWARDINE CRAVEN ARMS SHROPSHIRE SY7
0LX
For: J A Tait at the same address**

Date Received:
10th November 2004

Ward:
Mortimer

Grid Ref:
41040, 75212

Expiry Date:
5th January 2005

Local Member: Councillor Mrs O Barnett

1. Site Description and Proposal

- 1.1 The proposal is for a retrospective application for the installation of decking to the rear of The Jolly Frog, a Public House in Todding, north of Leintwardine. The site is located in the open countryside with a few dwelling houses immediately adjacent.
- 1.2 The proposal concerns the erection of decking above the existing garaging to the rear of the property, and also decking alongside this. This is a resubmission of the original application with the alteration being that the additional decking is a little forward of the previous application.

2. Policies

2.1 Leominster District Local Plan (Herefordshire)

- A1 – Managing the district's assets and resources
- A2 – Settlement hierarchy
- A9 – Safeguarding the rural landscape

2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)

- S1 – Sustainable development
- S2 – Development requirements
- DR1 – Design
- DR4 – Environment
- DR13 - Noise

3. Planning History

NW04/2516/F - Erection of decking areas, some over existing double garage, creation of bin store underneath and general landscaping of the garden. Refused 3.9.04, for the following reason:

'The proposed development by virtue of its siting and design and the noise disturbance and nuisance caused by its use, would have an adverse impact upon the residential amenities of nearby residents, contrary to Leominster District Local Plan Policies A1,

A13 and A45, and Herefordshire Unitary Development Plan (Revised Deposit Draft) Policies S2, DR4 and DR13.'

4. Consultation Summary

Statutory Consultations

4.1 None required

Internal Council Advice

4.2 Traffic Manager: Has given a qualified response with no objections but noting that the current car parking provision does not meet guidelines. However, that current policy PPG13 suggests that minimum parking standards should not be used, but rather maximums be applied.

4.3 Head of Environmental Health and Trading Standards has also made a qualified statement recommending that a close-boarded fence be erected along the south-eastern boundary of the site to protect the amenity of occupiers of nearby properties.

5. Representations

5.1 Parish Council's response refers back to its comments on application DCNW2004/2516/F, the previous application for the similar proposal. In addition, they state that this application considers landscaping and the local amenities better. There is no objection providing the neighbours' rights are safeguarded.

The previous comment stated: 'There is no objection in principle but consideration should be given to protecting the neighbours from noise, light, late-use and disturbance.'

5.2 Representations have been received from:

Mr Hood, 4 The Toddings
Mr and Mrs Tilson, The Brambles, Toddings
D Walker, Stormer Hall, Leintwardine
S Jones of 3 Todden Cottages, Leintwardine
D Dukes, Lower Todding, Leintwardine

The objections are summarised as follows:

- 1) Bin storage beneath the decking is a fire hazard
- 2) Public health nuisance
- 3) Landscaping impact on neighbouring properties
- 4) Incorrectly drawn plans - no gas tank is shown
- 5) An increase in traffic hazard
- 6) Privacy and amenity

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

6. Officers Appraisal

- 6.1 This is a re-application for the decking with an amendment bringing the decking nearer the Pub and further from the neighbours property to the rear. It is noted that part of the proposal has already been constructed.
- 6.2 The previous application was refused on the grounds of potential adverse impact on the amenity of nearby residents.
- 6.3 The neighbours' objections to the current proposal are also on the grounds of their loss of amenity and in addition, the traffic and environmental health hazard.
- 6.4 Given that the Traffic Manager and Head of Environmental Health and Trading Standards have no objections on either health or traffic grounds it would be inappropriate of the Planning Officer to raise objection on these grounds. In addition, the current application has moved the decking nearer to the Public House and further from the neighbours to the rear of the proposal site, improving amenity to the neighbouring properties.
- 6.5 The Parish Council's response is that this application does consider local amenity and is a little better than the previous application, which was refused, and as such has no objection so long that neighbours' rights are safeguarded.
- 6.6 Given that the new application pays better regard to the amenity of local residents in that the decking is moved away from their boundaries and that landscaping and fencing proposals do exist, the proposal is thought to come within the policy terms as listed above and to have ameliorated the objections of the neighbours.
- 6.7 On these grounds the proposal is recommended for approval with conditions for landscaping.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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 - G05 (Implementation of landscaping scheme (general))

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

3 - G06 (Scope of landscaping scheme)

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

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.