

**MINUTES of the meeting of Central Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 12th January 2005 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, A.C.R. Chappell, Mrs. S.P.A. Daniels, P.J. Edwards, J.G.S. Guthrie, R.I. Matthews, J.C. Mayson, J.W. Newman, Ms. G.A. Powell, Mrs. S.J. Robertson, W.J.S. Thomas, W.J. Walling and R.M. Wilson

**In attendance:** Councillors P.E. Harling, T.W. Hunt and J.B. Williams

**87. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Mrs. E.M. Bew, G.V. Hyde, Mrs. M.D. Lloyd-Hayes, Mrs. J.E. Pemberton, Miss F. Short, Ms. A.M. Toon, D.B. Wilcox and A.L. Williams.

**88. DECLARATIONS OF INTEREST**

The following declarations of interest were made:

| <b>Councillors</b>         | <b>Item</b>   | <b>Interest</b>   |
|----------------------------|---|---|
| D.J. Fleet and J.C. Mayson | Item 7 - DCCW2004/3489/F –<br>Proposed two storey extension including master bedroom and conservatory at:<br><b>LOWER BURLTON, TILLINGTON ROAD, BURGHILL, HEREFORDSHIRE, HR4 7RD</b>                                      | Both Members declared personal interests.   |
| R.M. Wilson                | Item 8 - DCCE2004/3733/F –<br>Amendment to pp CE2002/2558/F to include drainage, private access provision, landscaping and associated works at:<br><b>LAND SOUTH OF HEREFORD FROM THE A49 EXTENDING EAST TO THE B4399</b> | Spoke as Cabinet Member (Highways and Transportation) then left the meeting for the remainder of this item. |

**89. MINUTES**

Referring to Minute 78 [Declarations of Interest], the Chairman advised that he had declared a personal interest on planning application DCCW2004/3489/F and not DCCW2004/3085/F.

**RESOLVED:**

**That, subject to the above amendment, the Minutes of the meeting held on**

15th December 2004 be approved as a correct record and signed by the Chairman.

**90. ITEM FOR INFORMATION - APPEALS**

The Sub-Committee received an information report in respect of planning appeals for the central area.

**RESOLVED:**

**That the report be noted.**

**91. TREE PRESERVATION ORDER 512 - TREE IN FRONT GARDEN OF 118 CHURCH ROAD, HEREFORD, HR1 1RT**

The Conservation Manager advised that the Scots Pine in question might inconvenience the owners of 118 Church Road but the value of the tree to the street scene was considered significant. The Conservation Manager noted the owner's concerns regarding the driveway but felt that there were other ways of overcoming any problems associated with the tree.

Councillor W.J. Walling, a Local Member, noted the amenity value of the tree and commented that there were other trees in the vicinity that were not in such a fair condition and could be considered more hazardous.

**RESOLVED:**

**That Tree Preservation Order no. 512 be confirmed without modification.**

**92. DCCW2004/3085/F - LAND AT ATTWOOD LANE, HOLMER PARK, HEREFORD**

*32 dwellings and associated works.*

The Development Control Manager advised that the tight deadline associated with agenda preparation and circulation during the Christmas period meant that the report could not be updated with the latest information. Given the extensive nature of the internal Council advice that had been received, it was recommended that consideration of the application be deferred so that a full report could be prepared.

**RESOLVED:**

**That consideration of application DCCW2004/3085/F be deferred for further information.**

**93. DCCW2004/3489/F - LOWER BURLTON, TILLINGTON ROAD, BURGHILL, HEREFORDSHIRE, HR4 7RD**

*Proposed two storey extension including master bedroom & conservatory.*

Councillor Mrs. S.J. Robertson, the Local Member, commented on the value of the site inspection and 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. **The development hereby permitted shall be carried out strictly in accordance with the approved plans (drawing numbers 3781, 3781.01, 3781.02, 3781.03, 3781.11, 3781.12) and the schedule of materials indicated thereon, except where otherwise stipulated by conditions attached to this permission.**

**Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area.**

3. **The extension hereby permitted shall not be brought into use until the turning area indicated on the drawing, attached to the applicant's letter dated 3rd November, 2004, is laid out properly consolidated, surfaced and drained.**

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

**Informative:**

1. **N15 - Reason(s) for the Grant of PP.**

**94. DCCE2004/3733/F - LAND SOUTH OF HEREFORD FROM THE A49 EXTENDING EAST TO THE B4399**

*Amendment to pp CE2002/2558/F to include drainage, private access provision, landscaping and associated works.*

The Principal Planning Officer advised that the principle of this proposal had been established through planning permission CE2002/2558/F. It was noted that the recommendation would provide the opportunity to resolve any outstanding matters with the Environment Agency and the Highways Agency.

Councillor R.M. Wilson, speaking in his capacity as Cabinet Member (Highways and Transportation), re-iterated that this application was, in effect, an amendment to the approved scheme following detailed design work and that no fundamental changes to the alignment of the road were proposed. He added that the proposal involved relatively small pockets of land.

Councillor W.J.S. Thomas, the Local Member, noted the minor nature of the amendments and commented that an underpass to accommodate both stock and pedestrians should be given further consideration. The Principal Planning Officer responded by highlighting condition 11 (h) which required drawings/details of the means of crossing of public footpaths.

In response to questions, the Conservation Manager explained the purpose of the wildlife underpasses.

**RESOLVED:**

**Subject to the concerns of the Environment Agency being resolved and no objection being raised by the Highways Agency, the Officers named in the**

Scheme of Delegation to Officers be authorised to approve the application subject to the following conditions and any further conditions considered necessary by Officers.

1. The development hereby permitted shall be begun before the expiration of five years from the date of this 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, 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. No development or other site works shall take place until a detailed method statement for all site ground-works and procedures in relation to their archaeological impact has been submitted to, and approved in writing, by the local planning authority. The development shall only be carried out in accordance with the approved detailed method statement.

Reason: The development affects a site on which archaeologically significant remains survive. An acceptable site working method statement is required to ensure that any such remains are recognised and investigated.

4. No development or other site works shall take place until the applicant 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 Archaeological Service. Prior archaeological excavation required as part of this programme must be completed in the field to the satisfaction of the County Archaeological Service before the commencement of any development.

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

5. During the construction phase no machinery shall be operated and no process shall be carried out at 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 unless otherwise agreed in writing by the local planning authority.

Reason: To protect the amenity of local residents.

6. 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.

7. No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water regulation system has been submitted to and approved in writing by the local planning authority. Such a scheme shall be implemented to the reasonable satisfaction of the local planning authority prior to the construction of any impermeable surfaces draining to the system.

Reason: To prevent the increased risk of flooding.

8. No development approved by this permission shall be commenced until a scheme for the monitoring of seasonal fluctuations in water levels (to include an initial baseline study) within boreholes (including abstraction details) and the levels of spring catch pits as referred to in the Water Features Survey has been submitted for approval in writing by the local planning authority. The scheme shall be implemented as approved for a period to be agreed as part of the scheme. If as a consequence of the monitoring unforeseen fluctuations in water levels are detected which are directly attributable to the approved development, appropriate mitigation proposals shall be submitted to the local planning authority for approval in writing and these measures shall be carried out as approved within a timeframe to be agreed.

Reason: To enable the impact of the development on water features to be monitored.

9. No development approved by this planning permission shall be commenced until:

a) A desktop study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information, and using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced.

b) A site investigation has been designed for the site using the information obtained from the desktop study and any diagrammatical representation (Conceptual Model). This should be submitted to, and approved in writing by the local planning authority prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:

- a risk assessment to be undertaken relating to groundwater and surface waters associated on and off the site that may be affected, and
- refinement of the Conceptual Model, and
- the development of a Method Statement detailing the remediation requirements.

c) The site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment has been undertaken.

d) A Method Statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters, using the information obtained from the Site Investigation has been submitted to the local planning authority. This should be approved in writing by the local planning authority prior to that remediation being carried out on the site.

Reason: To prevent pollution of the water environment.

10. If during the development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an addendum to the Method Statement. This addendum to the Method Statement shall detail how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with approved details in the interests of protection of Controlled Waters.

11. No development approved by this planning permission shall be commenced until details/drawings of the following matters have been submitted to, and approved in writing by, the local planning authority:

- (a) the bridges/culverts over watercourses;
- (b) the road bridge and cutting at Green Crize/Hoarwithy Road;
- (c) the street lights;
- (d) the bat hibernaculum;
- (e) the stock underpass;
- (f) the badger, newt and bat underpasses;
- (g) newt mitigation measures
- (h) the means of crossing of public footpaths (including at construction stage);
- (i) the means of providing vehicular access to industrial units in Gate House Road.

The development shall be carried out in accordance with the approved details/drawings and prior to use by vehicular traffic (other than construction traffic).

Reason: The application contains insufficient detail for the satisfactory consideration of these matters at this stage.

12. Before the development hereby approved is commenced a scheme of traffic calming and weight restriction shall be prepared and adopted and a timeframe for implementation agreed in writing with the local planning authority for Holme Lacy Road between the A49(T) and Hereford - Abergavenny railway line bridge. The timeframe for implementation shall realise implementation of the scheme within one year of the first use of the new access road by vehicular traffic (excluding construction traffic).

Reason: To ensure the proper planning and implementation of the development in accordance with the approved scheme.

13. No development shall commence on site, or materials or machinery brought onto the site for the purpose of development until a landscape scheme has been submitted to and approved in writing by the local planning authority. The submitted scheme shall include an overall landscape masterplan at 1:2500 scale and detailed drawings at a scale of 1:200 or 1:500 showing existing and proposed levels, materials, structures, signs, lighting and below ground services plant species, sizes, densities and planting numbers. This must be supported by a full specification for

the soft landscape work and any allied hard landscaping or engineering work which will impact on the landscape. Drawings must show the accurate extent of existing trees, hedgerows and scrub together with an indication of which are to be retained and which are to be removed.

Reason: To ensure a satisfactory and well designed development and to preserve and enhance the local environment.

14. The landscaping scheme approved under Condition 13 above shall be carried out in advance of or concurrently with the corresponding phase of the development hereby permitted and shall be completed no later than the first planting season following the completion of the relevant phase of the development. The landscaping shall be maintained for a period of five years. During this time, any trees, shrubs, grass or other plants that are removed, die, or are noticeably retarded shall be replaced during the next planting season with others of similar size and the same species unless the local planning authority gives written consent to any variation. An annual inspection will be undertaken at the end of the growing season to ascertain the extent of any plant failures. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the five year maintenance period.

Reason: To ensure that the approved landscape scheme establishes satisfactorily.

15. No development or other site works shall commence or machinery or materials shall be brought on site until there has been submitted to and approved by the local planning authority, a Working Method Statement for the protection of trees, shrubs, scrub and hedges shown to be retained within the contract working area. Such Method Statement shall detail materials, method of erection of structures such as fences, distance from trees etc, further mitigation measures such as watering, protection from dust etc, routes for temporary haulage or construction traffic, methods of monitoring and any other aspect that might impact on the retained landscape.

Reason: To ensure the well being and protection of the existing landscape.

16. The development hereby approved shall be carried out in accordance with the wildlife mitigation measures set out at paragraph 3.5.4 of the Environmental Statement and with any additional mitigation measures identified subsequently. The wildlife mitigation measures relating to bats shall be applied to all nine trees identified as having 'some potential as bat roosts' in the Environmental Statement unless otherwise agreed in writing with the local planning authority. The wildlife mitigation measures shall apply to all parts of the application site and, in particular, species-rich grassland shall be created and managed in all open areas in a manner to be agreed in writing with the local planning authority.

Reason: To safeguard the wildlife interests of the site and surroundings.

17. The development hereby approved shall not commence until the local planning authority in consultation with the Highway Authority has agreed a design for the proposed junction of the new access road on the A49. The agreed design will have to promote the broad objectives of preserving the safety and free flow of traffic, meet the requirements contained within the

**Design Manual for Roads and Bridges, and when scrutinised during the formal road safety audit process attract a positive endorsement.**

**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.**

- 18. The proposed junction for the new access road on the A49 shall be constructed in the form shown on the agreed design for the proposed new junction on the A49 as set out in planning condition no. 17.**

**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.**

- 19. Within 3 months of the new road being first used by traffic the section of the A49(T) indicated to be 'broken out and allowed to colonise naturally' shall be broken up, the material removed and appropriately disposed of and the land restored to agriculture in accordance with a scheme to be submitted to, and approved in writing by, the local planning authority.**

**Reason: To ensure the proper planning of the site and safeguard the amenities of the countryside.**

- 20. 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.**

**Informatives:**

- 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. A number of public rights of way cross the site of this permission. The permission does not authorise the stopping up or diversion of these rights of way. The rights of way may be stopped up or diverted by Order under Section 257 of the Town and Country Planning Act 1990 provided that the Order is made before the development is carried out. If the rights of way are obstructed before the Order is made, the Order cannot proceed until the obstruction is removed.**
- 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 Environmental Protection Act 1990. Movements of Special Waste from the site must be accompanied by Special Waste consignment notes.**



4. Under Section 23 of the Land Drainage Act 1991, the prior consent of the Environment Agency is required for the erection of any mill dam, weir or other like obstruction to the flow of an ordinary watercourse or raise or otherwise alter such an obstruction; or erect any culvert that would be likely to affect the flow of any ordinary water course or alter any culvert in a manner that would be likely to affect any such flow. Any culverting of a watercourse also requires the prior written approval of the local authority under the terms of the Public Health Act 1936. The Agency resists culverting on conservation and other grounds, and consents for such works will not normally be granted except for access crossings.
5. The site is crossed by a public sewer. No development (including the raising or lowering of ground levels) will be permitted within the safety zone which is measured either side of the centre line. For details of the safety zone and the precise location of the sewer please contact the Dwr Cymru Welsh Water's Network Development Consultant on 01443 331155. It will be necessary for the sewer to be diverted under Section 185 of the Water Industry Act 1991.
6. The site is crossed by a trunk/distribution watermain. It may be possible for this watermain to be diverted under S.185 Water Industry Act, cost of which will be re-charged to developers (contact 01443 331155).
7. The Environmental Statement indicates that the habitats of a number of protected species will be affected by the development. It is an offence to kill or injure protected species and their habitats. A licence will be required from DEFRA, English Nature, or other appropriate countryside body where protected species will have to be moved or their habitats disturbed.
8. The application site crosses sand and gravel deposits which may be economically workable in the context of this application. The working of such deposits is likely to require separate planning permission.
9. This planning permission does not allow the formation of a works compound (temporary or otherwise). Such a compound is likely to require separate planning permission.
10. 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:

**South Herefordshire District Local Plan:**

|            |   |  |
|------------|---|--|
| <b>GD1</b> | - | <b>General Development Criteria</b>                                      |
| <b>C1</b>  | - | <b>Development Within Open Countryside</b>                               |
| <b>C8</b>  | - | <b>Development within AGLV</b>   |
| <b>C9</b>  | - | <b>Landscape Features</b>  |
| <b>C11</b> | - | <b>Protection of Best Agricultural Land</b>                              |
| <b>C16</b> | - | <b>Protection of Species</b>   |
| <b>C17</b> | - | <b>Trees/Management</b>  |
| <b>C29</b> | - | <b>Setting of a Listed Building</b>                                      |
| <b>C34</b> | - | <b>Preservation and Excavation of Important<br/>Archaeological Sites</b> |
| <b>C45</b> | - | <b>Drainage</b>  |

|     |   |                                       |
|-----|---|---------------------------------------|
| C47 | - | Pollution                             |
| ED2 | - | Employment Land                       |
| R10 | - | Improvement of Existing Rights of Way |
| R11 | - | Diversions to Public Rights of Way    |
| T1  | - | Safeguarding of Highway Schemes       |
| T2  | - | Environmental Impact                  |
| T3  | - | Highway Safety Requirements           |

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).

**95. DCCE2004/3601/F - NEW RENTS, LUGWARDINE**

*Conversion of outbuilding to detached dwelling.*

The Senior Planning Officer advised that the reason under condition 6 should be the same as that under condition 5 and that condition 7 should refer to any elevations of the extension.

Councillor R.M. Wilson, the Local Member, noted that the Head of Highways and Transportation considered the proposed access arrangements to be acceptable, subject to conditions, and that there were no objections raised as a result of internal Council advice. Councillor Wilson also noted that the use of the paddock to the rear of the site did not form part of the application and was not a consideration in this application. As there were no clear material planning objections, he supported the recommendation.

**RESOLVED:**

**That, subject to there being no objection from the Water Authority, the Officers named in the Scheme of Delegation to Officers be authorised to approve the application subject to the following conditions and any further 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. A09 (Amended plans)**

**Reason: To ensure the development is carried out in accordance with the amended plans.**

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

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

**4. C04 (Details of window sections, eaves, verges and barge boards)**

**Reason: To safeguard the character and appearance of this building of architectural or historical interest.**

**5. C05 (Details of external joinery finishes)**

Reason: To safeguard the character and appearance of this building of architectural or historical interest.

6. E16 (Removal of permitted development rights)

Reason: To safeguard the character and appearance of this building of architectural or historical interest.

7. E17 (No windows in any elevations of extension)

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

8. G01 (Details of boundary treatments)

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

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. G17 (Protection of trees in a Conservation Area)

Reason: To ensure the proper care and maintenance of the trees.

12. H03 (Visibility splays)

Reason: In the interests of highway safety.

13. H05 (Access gates)

Reason: In the interests of highway safety

14. H08 (Access closure)

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

15. H09 (Driveway gradient)

Reason: In the interests of highway safety.

16. 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.

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

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

18. 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.

19. 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.

**Informatives:**

1. N03 - Adjoining property rights
2. 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.
3. HN1 - Mud on highway
4. HN5 - Works within the highway
5. HN10 - No drainage to discharge to highway
6. N15 - Reasons for the Grant of PP

**96. DCCE2004/3595/F - NEW RENTS, LUGWARDINE, HEREFORD**

*Proposed dwelling with garage.*

The Senior Planning Officer reported the receipt of a letter from the applicant's agent. The Senior Planning Officer recommended amendments and additional conditions in respect of window treatments.

Councillor R.M. Wilson, the Local Member, noted that there were no objections raised as a result of internal Council advice. It was also noted that some local residents were concerned about the proposed design but two storey dwellings were typical of the wider locality.

**RESOLVED:**

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

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

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

2. The development hereby approved shall be carried out strictly in accordance with the amended plans received by the local planning

authority on 29th November 2004.

Reason: To ensure the development is carried out in accordance with the amended plans.

3. 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.

4. Before development commences architectural details of window sections, eaves, verges and barge boards at a scale of 1:1 or 1:5 shall be submitted to the local planning authority and approved in writing.

Reason: To safeguard the character and appearance of this building of architectural or historical interest.

5. Prior to the commencement of development, details of the proposed finishes for all external joinery shall be submitted to and approved in writing by the local planning authority. The finishes so approved shall not thereafter be changed without the prior written approval of the local planning authority.

Reason: To safeguard the character and appearance of this building of architectural or historical interest.

6. 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 or dormer windows shall at any time be placed in any either side elevation of the extension hereby permitted.

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

7. 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 boundary treatment to be erected. The boundary treatment shall be completed before the building is occupied. Development shall be carried out in accordance with the approved details.

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

8. No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and any necessary tree surgery. All proposed planting shall be clearly described with species, sizes and planting numbers.

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

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in 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 defects period.

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

10. This permission does not authorise any works to trees included in the designated Conservation Area. Any work shall be the subject of a notice of intention to the local planning authority in accordance with the provisions of the Town and Country Planning Act, 1990.

Reason: To ensure the proper care and maintenance of the trees.

11. Before any other works hereby approved are commenced, visibility splays shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 2.0 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 60 metres 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.

12. Any new access gates shall be set back 5.0 metres from the adjoining carriageway edge and shall be made to open inwards only.

Reason: In the interests of highway safety.

13. Prior to the occupation of the building hereby approved the existing vehicular access 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.

14. Prior to the occupation of the development hereby approved the driveway and/or vehicular turning area shall be consolidated, surfaced and drained in accordance with details to be submitted to and approved in writing by the local planning authority at a gradient not steeper than 1 in 8.

Reason: In the interests of highway safety.

15. Prior to the first occupation of any dwelling hereby approved space shall be laid out within the application site for 3 cars to be parked and for a vehicle to turn so that it may enter and leave the application site in a

forward gear. The parking area 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 that area shall not thereafter be used for any other purpose than the parking of domestic vehicles.

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

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

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

17. 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.

18. 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.

19. Notwithstanding the details shown on the submitted plans, the dormer windows shall be of a rendered finish only as agreed in the correspondence received on the 12th January, 2005. Details or samples of the proposed render shall be submitted to, and approved in writing by, the local planning authority prior to the commencement of development.

Reason: To ensure that the final appearance of the property in the interests of the visual amenities of the locality.

20. Prior to the use or occupation of the dwelling hereby permitted, and at all times thereafter, the window serving the en-suite in the east facing elevation of the approved plans shall be glazed with obscure glass only.

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

**Informatives:**

1. 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.
2. 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.
3. A public right of way runs adjacent to the site of this permission. The permission does not authorise the stopping up or diversion of the right of way. The right of way may be stopped up or diverted by Order under Section 257 of the Town and Country Planning Act 1990 provided that the Order is made before the development is carried out. If the right of way is

obstructed before the Order is made, the Order cannot proceed until the obstruction is removed.

4. This planning permission does not authorise the applicant to carry out works within the publicly maintained highway and Mr. C. Hall, Area Manager (Central), County Offices, Bath Street, Hereford, HR1 2HQ Tel: 01432 260786, 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.
5. Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.
6. The site lies adjacent to a public footpath (LU9) which runs along the eastern boundary. This right of way should remain at its historic width and suffer no encroachment or obstruction during or the time of completion. The right of way should remain open at all times throughout the development. If development works are perceived to be likely to endanger members of the public then a temporary closure order should be applied for, 6 weeks in advance of work starting.
7. 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.
8. The decision to grant planning permission has been taken having regard to the policies and proposals in the Herefordshire Unitary Development Plan and the South Herefordshire District Local Plan set out below, and to all relevant material considerations including Supplementary Planning Guidance:

**Herefordshire Unitary Development Plan:**

S1 - Sustainable Development  
S2 - Development Requirements  
S6 - Transport  
DR1 - Design  
T11 - Parking Provision  
H4 - Main Villages: Settlement Boundaries  
H13 - Sustainable Residential Design  
H15 - Density  
H16 - Car Parking

**South Herefordshire District Local Plan:**

GD1 - General Development Criteria  
C23 - New Development affecting Conservation Areas  
SH10 - Housing in Smaller Settlements  
SH14 - Siting and Design of Buildings  
T3 - Highway Safety Requirements  
T4 - Highway and Car Parking Standards



*New dwelling.*

The Senior Planning Officer recommended an additional condition to ensure the free flow of traffic using the adjoining highway.

Councillor R.I. Matthews, the Local Member, acknowledged the level of objections but noted that that, following discussions with Officers, the access and turning area issues could be addressed and he proposed that authority to grant planning permission be delegated to Officers in consultation with the Chairman and himself.

**RESOLVED:**

**That Officers named in the Scheme of Delegation to Officers, in consultation with the Chairman and the Local Member, be authorised to grant planning permission 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. **C10 (Details of rooflights).**

**Reason: To ensure the rooflights do not break the plane of the roof slope in the interests of safeguarding the character and appearance of this building of architectural or historical interest.**

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

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

6. **F18 (Scheme of foul drainage disposal).**

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

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

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

8. **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.**

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

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

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

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

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

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

**12. H03 (Visibility splays).**

**Reason: In the interests of highway safety.**

**13. H05 (Access gates).**

**Reason: In the interests of highway safety.**

**14. H06 (Vehicular access construction).**

**Reason: In the interests of highway safety.**

**15. H12 (Parking and turning - single house).**

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

**16. 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.**

**Informatives:**

- 1. HN01 - Mud on highway.**
- 2. HN05 - Works within the highway.**
- 3. HN10 - No drainage to discharge to highway.**
- 4. HN13 - Protection of visibility splays on private land.**
- 5. HN22 - Works adjoining highway.**
- 6. N15 - Reason(s) for the Grant of PP.**

**98. (A) DCCE2004/2089/F AND (B) DCCE2004/2090/L - LAND TO THE REAR OF 71 ST OWEN STREET, HEREFORD, HR1 2JQ**

*(A) Erection of three linked dwellings fronting Harrison Street and (B) Erection of three linked dwellings with arched access to rear.*

The Development Control Manager reported that the County Archaeologist recommended an archaeological evaluation of the site, including a trial trench,

before the commencement of the development. The Development Control Manager advised that a dispute between the owners of this site and the owners of an adjoining property was a civil matter but it was hoped that this would be resolved before planning permission was issued.

The Chairman, speaking in his capacity as Local Member, noted the constraints of the plot of land but felt that, subject to a number of issues being addressed, the proposal represented an imaginative use of the site.

**RESOLVED:**

**With respect to DCCE2004/2089/F:**

**That subject to the completion of initial archaeological investigations and submissions and the receipt of amended plans in relation to the neighbouring property, the Officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional 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    B01 (Samples of external materials)**  
**Reason: To ensure that the materials harmonise with the surroundings.**
- 3    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.**
- 4    G04 (Landscaping scheme (general))**  
**Reason: In order to protect the visual amenities of the area.**
- 5    G05 (Implementation of landscaping scheme (general))**  
**Reason: In order to protect the visual amenities of the area.**
- 6    E16 (Removal of permitted development rights)**  
**Reason: [Special Reason].**
- 7    E19 (Obscure glazing to windows)**  
**Reason: In order to protect the residential amenity of adjacent properties.**
- 8    F16 (Restriction of hours during construction)**  
**Reason: To protect the amenity of local residents.**
- 9    W01 (Foul/surface water drainage)**  
**Reason: To protect the integrity of the public sewerage system.**

**10 W02 (No surface water to connect to public 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.**

**11 W03 (No drainage run-off to public system)**

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

**Informatives:**

**1 N03 - Adjoining property rights**

**2 N14 - Party Wall Act 1996**

**3 The proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No part of the building will be permitted within 3 metres either side of the centreline of the public sewer.**

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

**With respect to DCCE2004/2090/L:**

**That subject to the resolution of all matters with regard to DCCE2004/2089/F Officers be authorised to issue Listed Building Consent subject to the following conditions and any additional conditions considered necessary by officers:**

**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.**

**99. DATE OF NEXT MEETING**

It was noted that the next scheduled meeting was to be held on Wednesday 9th February, 2005.

The meeting ended at 2.28 p.m.

**CHAIRMAN**