

**7 DCCW2004/0393/F - VARIATION OF CONDITION 6 ON
CW2001/1427/F - WIDENING OF CARRIAGEWAY AND
CONSTRUCTION OF 6 PASSING BAYS AT MORETON
ROAD, UPPER LYDE, HEREFORD**

**For: Hussar Minerals per Mrs. G. Pawson, Mill House,
East Haddon, Northants, NN6 8DU**

Date Received: 11th February, 2004

**Ward: Burghill,
Holmer & Lyde**

Grid Ref: 49737, 45198

Expiry Date: 7th April, 2004

Local Member: Councillor Mrs. S.J. Robertson

1. Site Description and Proposal

1.1 The site is part of the C1103 (Moreton Road), Upper Lyde, between the A49 and its junction with the UC73007. The C1103 would provide access to the gravel pit at Upper Lyde if it re-opens. Planning permission was granted on 12th September 2001 (reference CW2001/1427/F) to allow the C1103 to be widened and to construct six passing bays subject to eight conditions. The application is to vary the terms of Condition 6. That condition required the existing sections of hedge to be translocated. The proposal is to plant new sections of hedge rather than translocate the original. About 400 metres of a total length of 1 kilometre of hedge would be affected.

2. Policies

2.1 Planning Policy Guidance:

PPG9 - Planning and Nature Conservation
PPG13 - Planning and Transportation

2.2 Hereford and Worcester County Structure Plan:

Policy T5 - To Reduce Environmental Intrusion

2.3 South Herefordshire District Local Plan:

Policy GD1 - General Development Criteria
Policy T1 - Environmental Sustainability and Transport
Policy T2 - Environmental Impact

2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft):

Policy P6 - Protection and Enhancement of the Environment
Policy P7 - Protection and Enhancement of Environmental Assets
Policy S2 - Development Requirements
Policy S6 - Transport
Policy S7 - Natural and Historic Heritage
Policy LA5 - Protection of Trees, Woodland and Hedges

Policy LA6	-	Landscaping Schemes
Policy NC7	-	Compensation for Loss of Biodiversity
Policy HC9	-	Management of Features of Landscape Importance

3. Planning History

- 3.1 CW2001/1427/F Widening of carriageway and construction of six passing places. Granted 12th September 2001.

4. Consultation Summary

Statutory Consultations

- 4.1 Highways Agency - comment in response to residents' letters that the Agency has reached an agreed position relating to the junction between the C1102 and A49 and the management of vegetation.
- 4.2 In summary the management of vegetation at the junction with the A49 would be sufficient to meet their and the original planning permissions' requirements. They make no comment on the issue of translocation itself.

Internal Council Advice

- 4.3 Traffic Manager - no objection.

5. Representations

- 5.1 Pipe and Lyde Parish Council - remain concerned about the changes of increased use by heavy vehicles along this road; would have preferred the original condition but accept this may be impractical.
- 5.2 Burghill Parish Council - have no objections in principle and are sympathetic to the views of Lyde Parish Council.
- 5.3 Moreton Parish Council - ask that the Council note that they objected to the original proposal to widen the road, still maintain their concerns about heavy lorry use along it, consider that it is important that the wildlife and environmental aspects are being considered, that a new hedge will look good if maintained, find it hard to comment on alterations to a plan they objected to originally but consider the suggested methods for doing the work "to be okay."
- 5.4 Letters of objection have been received from:
- A.W.C. Morris, Windrush, Portway, Burghill, HR4 8NF.
 - Pamela Allen, Beulah, Moreton Road, Moreton-on-Lugg, HR4 8AG.
 - A. and E. Barrett, Mid Bank, Moreton Road.
 - E.J. Piercy, Ichthus College, Tall Trees, Moreton-on-Lugg, HR4 8AH.
 - H. Bufton, 3 Maiden Elms, Moreton on Lugg, HR4 8AG.
 - J. & C. Bishop, Greystones, Moreton-on-Lugg, HR4 8AG.
 - Mrs. J.E. Watkins, Fairfields, Moreton Road, Upper Lyde, HR4 8AG.
 - P. & J.E. Aldred, Lichfield, Moreton Road, Upper Lyde, HR4 8AG.

In summary, the points made are:

- unreasonable damage to the existing hedge
- the importance of the hedge under the Hedgerow Regulations
- the lack of respect to local issues
- increasing the risk to highway users
- loss of biodiversity, construction, layout and design.

- 5.5 Many more comments relate to effects from the increase in traffic use, rather than from those relating to the hedgerow itself notably; threats to public safety, damage to the highway surface, the effects of increases in speed along the road, effects on disamenity from heavy traffic, the possibility of alternative routes and on Human Rights.

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

6. Officers Appraisal

- 6.1 Members will be aware that planning permission for sand and gravel extraction at Upper Lyde was originally granted in 1965 and “modernised” under the provisions of the Environment Act 1995 in 2001. Planning permission was also granted for the widening of the carriageway and construction of six passing bays along the road (Moreton Road) linking that site and the A49 on 12th September 2001.
- 6.2 Condition 6 on that permission required, amongst other matters, that in summary, where sections of the existing hedge had to be removed to allow the carriageway to be widened, those sections should be translocated, subject to detailed controls. The proposal is to replant rather than translocate those sections of hedge. Proposals are included in the application to vary the wording of the condition to ensure that the existing distribution of species is reflected in the new planting, that the topsoil and hence, seedbank, from the affected section of hedge is retained, that the new planting is protected and failures made good.
- 6.3 The hedge itself is important for its ecological, historical and visual value. It marks a Parish boundary and is an intrinsic part of an ancient (i.e. pre 1845) hedgerow pattern. There is therefore a very strong case for protecting it. The issues were considered at length when the original application was originally considered. It was concluded then that, considered on its own merits, the original proposals to widen the highway and provide passing places would improve the Moreton Road for all users and that the gains in highway safety generated would outweigh the effects of minor alterations to the highway itself and to the hedge line and the character of the lane. Members should be aware that there are no reasons which would justify a different decision today. The permission then granted was on the basis that the sections of hedge to be removed should be translocated. The application is solely to vary this aspect of the proposal. Although local people’s concerns about the dangers of heavy traffic using the site are understandable, they can be given very little weight with regard to the specific application here.
- 6.4 So far as this specific application is concerned the Conservation Manager has no objection to the proposal and recognises that the original requirement to translocate the hedges was unlikely to succeed, given the thinness of the soil on site.

6.5 Officers consider that the species proposed are entirely appropriate, reflect the existing hedge and would retain its value under the terms of the Hedgerow Regulations. They would advise however that the proposed hedgerow trees should be planted as standards in order to reduce the possibility of them being damaged by hedge cutting. More frequent watering is also advised.

6.6 In conclusion, Officers recognise that the earlier condition was onerous and given the thinness of the soils and relatively exposed nature of the site unlikely to succeed. In the circumstances subject to the imposition of safeguards they do not consider that the proposal could be refused and successfully defended at Appeal.

RECOMMENDATION

That planning permission be granted to delete Condition 6 of permission CW2001/1427/F subject to the imposition of the following condition:

- 1. The development hereby permitted shall be carried out in all respects strictly in accordance with**
 - i) the Hedgerow Mitigation details set out in the Supporting Statement submitted with the application and received on 11th February 2004 except that at least one hedgerow tree shall be planted as a standard within each of the sections of hedge to be replanted and provision shall be made to water these trees at least weekly in dry weather for the first year after their planting, and**
 - ii) the details set out on drawing nos. 03024/102 and 03024/103 received on 11th February 2004.**

Reason: To ensure adequate protection to existing trees and hedges which are to be retained, in the interests of the character and amenities of the area, in the interests of visual amenity and to ensure that hedges planted are ecologically and environmentally rich and to assist their permanent retention in the landscape in recognition of their historic and environmental value.

Informative:

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

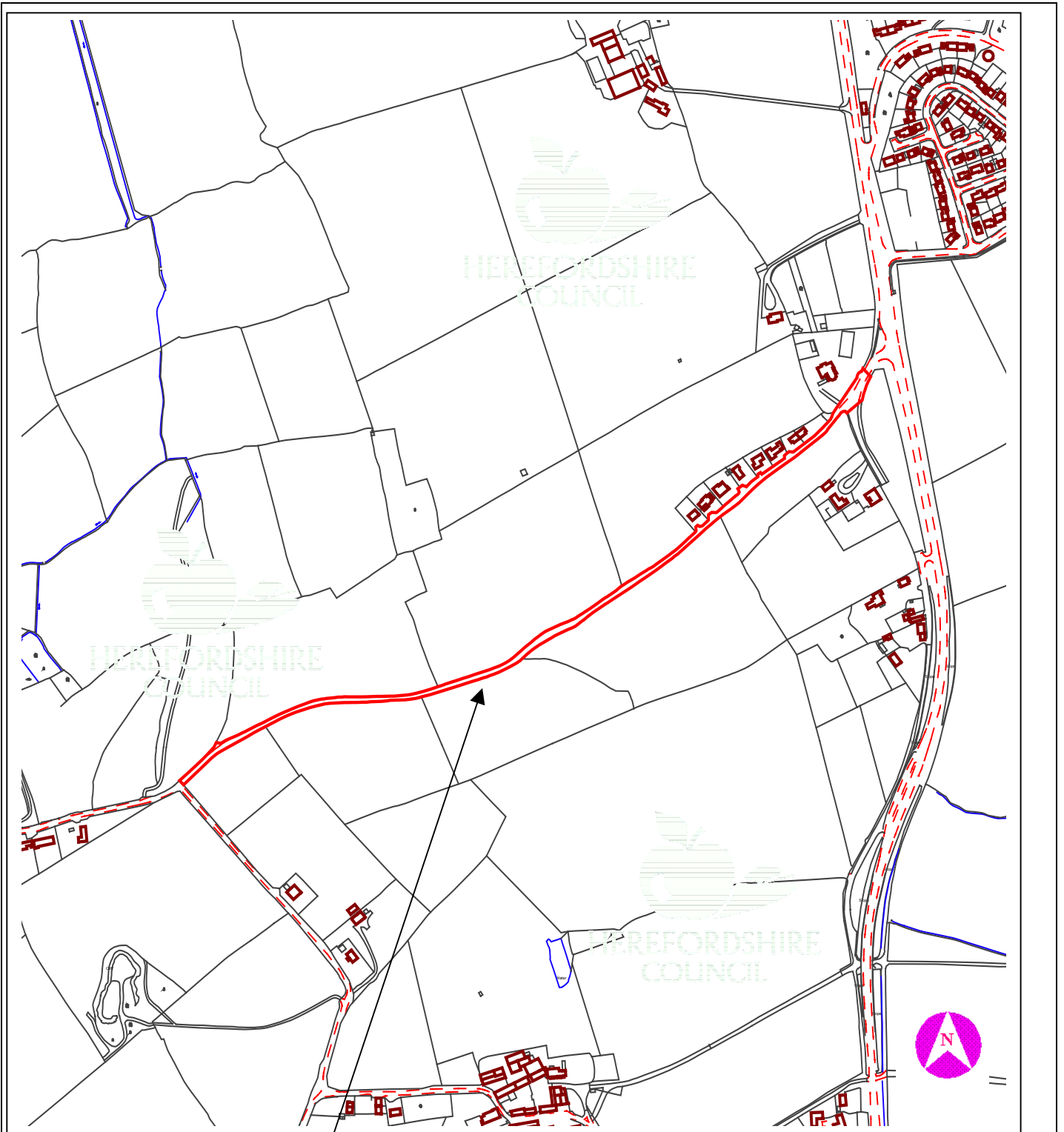
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2004/0393/F

SCALE : 1 : 6568

SITE ADDRESS : Moreton Road, Upper Lyde, Hereford.

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