

MINUTES of the meeting of Northern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 12th December, 2007 at 2.00 p.m.

Present: Councillor JW Hope MBE (Chairman)
Councillor PM Morgan (Vice Chairman)

Councillors: JP French, JHR Goodwin, KG Grumbley, B Hunt, RC Hunt, TW Hunt, R Mills, A Seldon, RV Stockton, J Stone and PJ Watts

In attendance: Councillors

119. APOLOGIES FOR ABSENCE

Apologies were received from Councillors LO Barnett, WLS Bowen, RBA Burke, ME Cooper, Brig P Jones, RJ Phillips and K Swinburne.

120. DECLARATIONS OF INTEREST

Councillor Declared a prejudicial interest Agenda item 10, Minute 115 and left the meeting for the duration of the item

121. MINUTES

RESOLVED: That the Minutes of the meeting held on 12th November, 2007 be approved as a correct record and signed by the Chairman, subject to the following:-

Minute 111 - DCNE2007/2801/F - Orchard Business Park, Bromyard Road, Ledbury delete "The Senior Planning Officer said that the Officers had no objections to the silos remaining unpainted and that condition No 2 in the recommendation of the report could therefore be deleted. The Sub-Committee was agreeable to this" and replace it with "Consequently the Committee decided to delete the condition requiring the silos to be painted."

122. ITEM FOR INFORMATION - APPEALS

The Sub-Committee noted the Council's current position in respect of planning appeals for the northern area of Herefordshire.

123. TREE PRESERVATION ORDER 536, COLWALL CRICKET GROUND, COLWALL

The Senior Landscape Officer presented the report of the Head of Planning Services about the representations made in relation to the making of a provisional Tree Preservation Order upon trees in the grounds of Colwall Cricket Ground, Colwall. He outlined the events which had led to the making of the Order in July 2007 and gave an appraisal of the importance of the trees to the landscape and setting of the area.

In accordance with the criteria for public speaking, Mr Lloyd, an objector, spoke

against the application.

It was noted that Mr Lloyd had said that as the owner of the land he could assure that the trees would not be removed and that he felt that the Order could be used as a reason for the new pavilion to be delayed by those who were opposed to it. The Legal Practice Manager said that although this may be the intention of the current owner, the situation could change if the land was sold. The making of the Order would, however, ensure that the trees were protected. The Sub-Committee agreed with this view.

RESOLVED

THAT the Tree Preservation Order at Colwall Cricket Ground, Colwall be confirmed.

124. DCNW2007/2652/F - PROPOSED FIRST FLOOR EXTENSION AT GREENFIELDS, ALMELEY, HEREFORD, HEREFORDSHIRE, HR3 6LH

The Principle Planning Officer said that amended plans had been received from the applicant in response to concerns expressed by Members and that the new proposals would overcome the problem of overlooking of the adjoining property.

RESOLVED

That planning permission be approved with 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 - B01 (Samples of external materials)

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

Informatives:

1 - N19 - Avoidance of doubt

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

125. DCNC2007/2604/F - CHANGE OF USE FROM WAREHOUSING/STORAGE TO DISTILLERY AND BIOFUELS PLANT. ERECTION OF TOWER ON BUILDING TO HOUSE DISTILLERY COLUMN. CLAD LEAN-TO AT NE SIDE OF BUILDING. NEW ACCESS ROAD AT ROSEMAUND FARM, ROSEMAUND DRIVE, PRESTON WYNNE, HEREFORDSHIRE. HR1 3PG

The Principle Planning Officer said that the application was deferred for a site visit at the last meeting to enable Members to make an assessment of the proposal and, in particular, its impact on highway safety and the surrounding road network. He said that the applicants had submitted a further detailed statement prepared by a Planning Consultant which compared traffic movements on a monthly basis with the ADAS use of the site. He provided the Sub-Committee with the following updates which had been received:-

OBJECTIONS

A detailed letter has been received from Felton and Preston Wynne Association. They comment that there has been limited public consultation and that the determination of the application is a 'done deal'.

They comment that the fact and figures provided by the applicant are inaccurate and misleading and that they have informed the Planning Department of this fact.

In this respect they advise that contact was made with ADAS who confirmed that the number of employees at the site is normally a maximum of 19 on any one day.

They also comment that hardly any HGV traffic is generated by ADAS and that there are one or two open days per year.

The number of people to be employed by the proposal is also questioned, noting that there is no mention of staff working in the bio fuel plant or running the farm. Mention is also made of the creation of a visitor centre and the traffic it would generate.

The letter then goes on to discuss the intent of the applicant to develop the site further in the future.

It then goes on to refer to the bio diesel plant and the fact that the comments in the agenda refer only to the distillery.

Finally the letter questions the reasoning for the proposed new access when there is no history of accidents along Rosemaund Drive.

A letter has also been received from Mr Westoby, Hollywell House, Church Lane Hampton Bishop. He also queries the accuracy of the numbers of employees currently employed by ADAS. He also comments that local landowners will not be willing to give up their land for the improvement of passing places as recommended by the Transportation Manager.

SUPPORT

Herefordshire and Worcestershire Chamber of Commerce have written in support of the application noting that the business has strong sustainable principles at its core. It comments that the company is a leader in its field and that the proposal will contribute to the rural economy.

It does not consider that the objections relating to traffic movements are substantiated and notes that the applicant is agreeable to the conditions regarding highway improvements that have been recommended.

Correspondence has been received from Mr John Hodge, a current ADAS employee at the Rosemaund site he comments that whilst ADAS were farming on the site there was a consistent flow of traffic onto the site regarding the movement of sheep and cattle and also some deer, as well as deliveries of farm inputs. There were up to 400 finishing cattle on site at any one time with all cattle moved on and off site as there were no breeding stock on site. ADAS also had up to 700 breeding ewes on up to 4 or 5 off site areas, which were

regularly transported to and from the Rosemaund site to offsite grazing and were finishing around 1200 lambs per annum. In addition to this ADAS had a breeding herd of 100 hinds, with 100 deer finished annually. All internal stock movements were carried out using Landrovers and stock trailers, with all cattle sales and some sheep sales being carried out using lorries. My estimate is that we were carrying out somewhere in the region of 350 vehicle stock movements a year when we had these numbers of stock, along with the daily checking of stock on off site fields. We were also caring in somewhere in the region of 200 - 300 loads of grass silage and maize a year using tractors and trailers and around 60 loads of straw over the summer period.

Finally, the applicant has provided additional information about the amount of potato crop required by the distillation process and the amount capable of being grown on the land at Rosemaund. This is as follows:

Rosemaund has over 400 acres. We have to rotate crops and cannot grow year after year of potato, and so would plant every 4 years ie approx 100 acres of potatoes per year. At a yield of 15 tonnes per acre (which would vary year on year) this would give 1500 tonnes per year. As you know, our distillery is a small scale, artisan plant, employing up to 5 people so even when we reach our capacity I would only require roughly half that amount (16 tonnes per week to produce 3600 bottles of potato vodka, or 800 tonnes potatoes per year).

The view of the officers was that there was a discrepancy between the information about employee numbers provided by ADAS in the report and supplied to the objectors. The discrepancies had arisen from quoting historic and current employee numbers. ADAS involvement in the site was decreasing and this may have accounted for the variation. Nevertheless, the objectors figures of 19 employees would mean that the proposal would account for a 20% increase on the current situation. The case officer remained of the opinion that even at this level there was no justification to refuse the application. The objectors had commented about fact that figures did not include the bio fuel plant or the running of the farm but the case officer understood the bio fuel plant was included. Reference to the running of the farm was misleading because the lawful use of the land was agricultural and could continue without planning permission. It was also likely that the figures for the existing use of the site did not reflect this. The comments from Mr Hodge provided an insight into this. There was also the fact that Information from the applicant about cropping levels and the amount of potatoes required for the distillation process demonstrated that the proposal was capable of being served by the land without the importation of further crops. If this proposal was to be sited on an industrial estate, as suggested by many of the objectors, potatoes would then have to be moved by road on a regular basis. The implication of this would likely be more traffic movements by tractors hauling trailers than would arise from the application. Finally, the suggestion that the improvement of passing places would require third party landowners to give up their land was incorrect. Such improvements would have to take place within the limit of the public highway.

Councillor A Seldon one of the Local Ward Members thanked the applicants and locals for providing all of the additional information but expressed concerns about a complex industrial process within the heart of rural Herefordshire which was surrounded by a network of narrow rural roads. Serious reservations had been raised by the objectors about the ability of the road network to cope with large commercial vehicles and generally about highway safety along the C1118 and its junctions with the A417 and A465. He shared these concerns and was of the view that the application should therefore be refused. Councillor B Hunt, the other Local Ward Member supported this approach.

The Sub-Committee discussed the various aspects of the application including the cases put forward in support and against it. The Principle Planning Officer did not consider that there were sufficient grounds to refuse the application given the comparisons which could be made with an agricultural use and the favourable views of the transportation Manager. He suggested however that condition No. 9 attached to the approval could be altered slightly to require the applicants to undertake an appropriate highway survey and to implement any necessary improvements which were identified, prior to commencing operations. The Sub-Committee was agreeable to this approach.

RESOLVED

That the officers named in the Scheme of Delegation to Officers be authorised to grant planning permission, subject to development commencing only after a full survey of the C1118 has been completed to identify the preferred location for improvement to passing places, the survey shall be submitted to, and approved in writing by, the Officers and the use hereby approved shall not be brought into use until the scheme has been constructed in accordance with the approved details; and subject to the following conditions:-

1 – A01 (Time limit for commencement)

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 - DO3 (Site observation – archaeology)

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

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 - H03 (Visibility splays)

Reason: In the interests of highway safety

7 - H05 (Access gates)

Reason: In the interests of highway safety

8 - H06 (Vehicular access construction)

Reason: In the interests of highway safety

9 - H17 (Junction improvement/off site works)

Reason: To ensure the safe and free flow of traffic on the highway

Informatives

1 – N03 - Adjoining property rights

2 – HN01 - Mud on highway

3 – HN05 - Works within the highway

4 – HN10 - No drainage to the discharge onto highway

5 – HN22 - Works adjoining highway

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

7 - N19 – Avoidance of doubt

126. DCNC2007/3052/F - PROPOSED REDEVELOPMENT TO FORM RETAIL AND RESIDENTIAL UNITS AT BURGESS STREET GARAGE, BURGESS STREET, LEOMINSTER, HEREFORDSHIRE, HR6 8DE

In accordance with the criteria for public speaking, Rann the agent acting on behalf of the applicant, spoke in favour 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 - B01 (Samples of external materials)

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

3 - C04 (Details of window sections, eaves, verges and barge boards)

Reason: To safeguard the character and appearance of the Conservation Area

4 - C05 (Details of external joinery finishes)

Reason: To safeguard the character and appearance of the Conservation Area.

5 - E16 (Removal of permitted development rights)

Reason: In order that the local planning authority can consider the implications of any further development.

- 6 - E18 (No new windows in specified elevation)

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

- 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 - F17 (Scheme of foul drainage disposal)

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

10. The scheme hereby approved shall be in lieu of the concurrent part of the scheme approved under application reference NC2005/3175/F, namely 4 office units, cottages 1, 2 & 3 and a maisonette, and shall otherwise be implemented in conjunction with the approved shop and two 2 bed flats of the same permission.

Reason: In order to define the terms of this permission.

Informative(s):

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC
2 - N19 - Avoidance of doubt

127. DCNE2007/3176/O - DEMOLITION OF EXISTING HOUSE AND OUT BUILDINGS AND SITE FOR FOUR DWELLINGS AND TWO GARAGES AT BANKSIDE, LITTLE MARCLE ROAD, LEDBURY, HEREFORDSHIRE, HR8 2DR

RESOLVED

That planning permission be granted subject to the following conditions:

- 1 - A03 (Time limit for commencement (outline permission))

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

[Note: Time limits can be varied - special reason to justify]

- 2 - A02 (Time limit for submission of reserved matters (outline permission))

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

[Note: Time limits can be varied - special reason to justify]

- 3 - Prior to the commencement of the hereby approved development, details of foul and surface water drainage will be submitted to the Local Planning

Authority for written approval, and thereafter maintained as such.

Reason: In order to ensure that satisfactory drainage arrangements are provided, in accordance with Herefordshire Unitary Development Plan (adopted 2007) policies S2, DR2, DR7 and H13.

- 4 - Prior to the commencement of the hereby permitted development, full landscape details, including the treatment of the landscape buffer zone, (annotated with a cross hatch on the approved plans), shall be submitted in writing with appropriate scaled plans, to the Local Planning Authority, for written approval. Works shall be carried out in accordance with the approved landscaping plans in the first planting season following the completion of the development or prior to the occupation of the first dwelling, whichever is the sooner, and thereafter maintained as such.

Reason: To ensure a satisfactory appearance to the development within the street scene, and safeguard the amenity of future occupiers of the residential development, and safeguard the vitality and viability of the established employment site, in accordance with Herefordshire Unitary Development Plan (adopted 2007) policies S1, S2, DR1, DR2, DR13, H1 and H13.

- 5 - G05 (Implementation of landscaping scheme (general))

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

- 6 - Prior to the commencement of the hereby-approved development, full written details and plans at a scale of 1:100, indicating parking provision, turning area, surfacing and drainage details shall be submitted to the Local Planning Authority for written approval and thereafter maintained as such.

Reason: To ensure highway safety, the free flow of traffic, and the safety of pedestrians, in accordance with Herefordshire Unitary Development Plan (adopted 2007) policies S1, S2, S3, S6, DR1, DR2, DR3, H13, H16 and T8.

- 7 - A04 (Approval of reserved matters)

Reason: To enable the local planning authority to exercise proper control over these aspects of the development.

[Note: Delete reserved matters which are not applicable]

- 8 - A05 (Plans and particulars of reserved matters)

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

[Note: Delete reserved matters which are not applicable]

[Note: Outline planning permissions will normally require conditions A02, A03, A04 and A05 to be imposed]

- 9 - Where, during works on site, contamination is encountered which has not previously been identified and assessed in the preliminary risk assessment (received 2nd November 2007), that further contamination shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval. Thereafter, remediation works shall be carried out implemented in accordance with the approved scheme. Excavations should be monitored throughout the development of the site for contamination and pollutants.

Reason: In order to safeguard the users and occupiers of the hereby approved residential development, in accordance with Herefordshire Unitary Development Plan (adopted 2007) policy DR10.

- 10 - H29 (Secure covered cycle parking provision)

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

Informative(s):

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC
 - 2 - N19 - Avoidance of doubt
 - 3 - HN01 - Mud on highway
 - 4 - HN04 - Private apparatus within highway
 - 5 - HN05 - Works within the highway
 - 6 - HN10 - No drainage to discharge to highway
 - 7 - HN22 - Works adjoining highway
128. **DCNW2007/3344/F - CHANGE OF USE OF AGRICULTURAL FIELD TO CAMP SITE AND ERECTION OF SINGLE STOREY EQUIPMENT STORE/SHOWER AND TOILET FACILITIES. FIELD OPPOSITE THE POUND, WHITNEY-ON-WYE, HEREFORD, HEREFORDSHIRE, HR3 6EH**

The Principle Planning Officer reported on the following:-

The Environment Agency has further responded to the application requesting additional information on flood levels, for the whole of the site, to which additional information has been provided and a formal response from the Environment Agency is awaited. Therefore in consideration of concerns raised by members of the public in respect of flooding on site, it is recommended that the application is delegated to the Head of Planning Services for approval and attachment of conditions as considered appropriate, subject to a satisfactory response received from the Environment Agency.

The Sub-Committee decided that the Officers be granted delegated authority to

approve the application subject to imposing any appropriate conditions felt to be necessary arising from the views of the Environment Agency.

RESOLVED

That the officers named in the Scheme of Delegation to Officers be authorised to grant planning permission in consultation with the Local Ward Member, subject to any conditions deemed to be necessary arising from the response of the Environment Agency, and subject to the following conditions and any conditions about landscaping felt to be appropriate:-

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 approved shall be used in relationship to overnight camping only and no caravan shall be allowed on site.

Reason: In the interests of the visual amenity of the surrounding area and in the interests of public highway safety.

INFORMATIVES:

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

2 - N19 - Avoidance of doubt

129. DCNC2007/2669/O - SITE FOR THE ERECTION OF ONE BUNGALOW FOR AGRICULTURAL WORKERS DWELLING AT LYNCROFT, BADLEY WOOD, WHITBOURNE, WORCESTER, WR6 5SJ

The Principle Planning Officer said that the application was deferred at the previous meeting for audited accounts to be submitted to the Council. The accounts had been submitted and the Council's Land Agent had found them to be satisfactory. Councillor TW Hunt, the Local Ward Member, still had a number of questions about the application particularly regarding the realistic extent of the business and the need for a dwelling to support it on such a small site. The Northern Team Leader suggested that consideration of the application be deferred again to enable the presentation of all of the relevant facts to support the proposals. The Sub-Committee concurred with this view.

RESOLVED: That consideration of the application be deferred pending the provision of further information in support of the business case for the application.

130. DATES OF FUTURE MEETINGS

13th February, 2008; 12th March, 2008; 9th April, 2008 & 7th May, 2008

The meeting ended at 3.25 p.m.

CHAIRMAN