

MINUTES of the meeting of Northern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 3 June 2009 at 2.00 pm

Present: Councillor JW Hope MBE (Chairman)
Councillor PJ Watts (Vice Chairman)

Councillors: WLS Bowen, ME Cooper, JP French, KG Grumbley, B Hunt, RC Hunt, TW Hunt, TM James, PJ McCaull, PM Morgan, RJ Phillips, A Seldon, RV Stockton and J Stone

ELECTION OF CHAIRMAN AND APPOINTMENT OF VICE-CHAIRMAN

The Legal Practice Manager explained that as no committee chairs had been appointed at the Annual Meeting of Council on 22 May, it was necessary to elect a Chairman to preside over the meeting. Councillor JW Hope MBE was duly elected to the chair.

Councillor PJ Watts was appointed as Vice-Chairman for the meeting.

RESOLVED THAT

- a) Councillor JW Hope MBE be elected as Chairman for the meeting
- b) Councillor PJ Watts be appointed as Vice-Chairman for the meeting

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors LO Barnett, JHR Goodwin, P Jones CBE and R Mills.

2. DECLARATIONS OF INTEREST

There were no declarations of interest made.

3. MINUTES

RESOLVED: That the Minutes of the meeting held on 08 April 2009 be approved as a correct record and signed by the Chairman.

Councillor KG Grumbley requested that Members be issued with some guidance following the recent change in the administration of planning appeals. The Development Control Manager advised that a briefing note would be circulated to all Members in due course.

4. ITEM FOR INFORMATION - APPEALS

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

In relation to planning application DCNC2008/1565/F, Councillor KG Grumbley pointed out that the appeal was against a condition imposed on a planning permission and not a refusal. The Development Control Manager said that he would make sure that this was corrected.

5. DCNW2009/0589/F - BANK FARM, KINGSLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9PY.

Retrospective application for change of use from agricultural to engineering workshop and storage, portacabin as office.

The Development Control Manager advised that conditions 4 and 7 would need to be rewritten as they were worded incorrectly.

Councillor WLS Bowen, the Local Ward Member, raised concerns about noise disturbance from the proposed development and asked that consideration be given to sound proofing the roof as well as the external walls of the property.

In response to the Local Member's comment, the Development Control Manager said that proposed condition five would require the applicant's noise insulation scheme to be approved by the local planning authority.

RESOLVED

That planning permission be granted subject to the following conditions:

1 F26 (Personal condition)

This permission shall ensure for the benefit of Mr Julian Lindsay or the occupants of the adjacent dwelling known as Bank Farm, Lugg Green, Kingsland only and not for the benefit of the land or any other persons interested in the land.

Reason: The nature of the development is such that it is only considered acceptable in this location having regard to the applicant's special circumstances having regard to Policies S1 and E11 of Herefordshire Unitary Development Plan.

2 F06 (Restriction on Use)

The premises shall be used for Agricultural engineering as outlined in the Design and Access Statement submitted in support of the application ref number NW09/0589/F, date stamped Herefordshire Council 9th March 2009) and for no other purpose (including any other purpose in Classes B1 and B2) of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: The local planning authority wish to control the specific use of the land/premises, in the interest of local amenity and to comply with Policy DR2 of Herefordshire Unitary Development Plan.

3 F01 (Restriction on hours of working)

The hours during which working may take place shall be restricted to 0800 to 1800 Mondays to Fridays and 0800 to 1300 on Saturdays. There shall be no such working on Sundays, Bank or Public Holidays.

Reason: To safeguard the amenities of the locality and to comply with Policy DR2 of Herefordshire Unitary Development Plan.

4 I36 (Restriction on level of illuminance of floodlighting (sports grounds))

No light source shall be visible from outside the extremities of the application site or produce more than 1 Lux of horizontal or vertical illuminance at any adjacent property boundary.

Reason: To minimise the impact of the floodlights and to protect the residential amenity of nearby dwellings so as to comply with Policy DR14 of Herefordshire Unitary Development Plan.

5 I15 (Scheme of noise insulation)

Within 3 months of the date of this planning approval the building shall be insulated in accordance with a scheme to be submitted to and approved in writing by the local planning authority and this will include details of the external colour of the buildings.

Reason: To safeguard the amenity of the area and to comply with Policy DR13 of Herefordshire Unitary Development Plan.

6 G10 (Landscaping scheme)

Within 3 months of the date of this planning approval a detailed landscaping scheme will be submitted to and approved in writing by the Local Planning Authority. The details submitted should include:

Soft landscaping

a) A plan(s) showing details of all existing trees and hedges on the application site. The plan should include, for each tree/hedge, the accurate position, species and canopy spread, together with an indication of which are to be retained and which are to be removed.

b) A plan(s) at a scale of 1:200 or 1:500 showing the layout of proposed tree, hedge and shrub planting and grass areas planting numbers and giving details of cultivation and other operations associated with plant and grass establishment.

Hard landscaping

a) The position, design and materials of all site enclosure (e.g. fences, walls)

b) Hard surfacing materials

c) Details of the outside yard area and what the outside area is to be used for

Reason: In order to maintain the visual amenities of the area and to conform with Policy LA6 of Herefordshire Unitary Development Plan.

7 G11 (Landscaping scheme – implementation)

The landscaping scheme approved under condition 6 (as shown on the approved plan) shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion of the development. The landscaping shall be maintained for a period of 5 years. During this time, any trees, shrubs or other plants which are removed, die or are seriously retarded

shall be replaced during the next planting season with others of similar sizes 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 maintenance period.

Reason: In order to maintain the visual amenities of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.

Informatives:

1 N15 – Reason(s) for the Grant of Planning Permission

2 N19 – Avoidance of doubt – Approved Plans

6. **DCNW2009/0815/F - 2 MORTIMER DRIVE, ORLETON, LUDLOW, HEREFORDSHIRE, SY8 4JW.**

Proposed conservatory.

Councillor WLS Bowen, the Local Ward Member, said that he shared the concerns of Orleton Parish Council that the proposed conservatory would be too large and out of character for the area. He added that the structure would be clearly visible from the street and would have a detrimental effect on the surrounding Conservation Area.

Members were in agreement that as the scheme had already been reduced in size in response to local concerns the application should be approved. Furthermore, the Council's Conservation Manager had raised no objection.

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 **C02 (Matching external materials (extension))**

Reason: To ensure the external materials harmonise with the existing building so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.

3 **G09 (Details of Boundary treatments)**

Reason: In the interests of visual amenity, to ensure the development has an acceptable standard of privacy and to conform to Policy DR1 of Herefordshire Unitary Development Plan.

Informatives:

1 N15 - Reason(s) for the Grant of Planning Permission

2 N19 - Avoidance of doubt

7. **DCNC2009/0453/F - 35 PINSLEY ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8NW.**

Erection of an amateur radio antenna of commercial design (Hustler 6BTV)

The Development Control Manager informed the Sub-Committee that an additional letter had been received from the applicant addressing perceived health and safety concerns and the visual impact of the mast.

In accordance with the criteria for public speaking Dr Eames, a neighbouring resident, spoke in objection to the application.

Councillor RC Hunt, one of the Local Ward Members, said that he had serious concerns about the application *and sought clarification as to whether an ICNIRP certificate had been issued [amended at NAPSC meeting on 1 July 2009]*. He said he felt that the antenna would be placed too close to existing dwellings. He said that he was very concerned with the objections received from network rail and could not support the application.

Councillor JP French requested that a benchmarking exercise be undertaken using results from a comparable antenna [amended at NAPSC meeting on 1 July 2009]

Several Members voiced concerns regarding the comments received from Network Rail. As railway safety was such an important issue, the Sub-Committee felt unable to support the application based on the information presented in the report.

The Development Control Manger said that he could look at the issues of concern raised by members and report back to a later meeting of the Sub-Committee. Members were in agreement with this.

RESOLVED:

THAT consideration of the application be deferred to allow further examination of the health and safety, [Amended at NAPSC 1 July 2009] ICNIRP Certification issues, and issues of benchmarking using results of a comparable antenna and ~~other issues~~ in respect of the operation of such an antenna.

8. **DCNC2009/0620/F - LOWER BUCKLAND, DOCKLOW, LEOMINSTER, HEREFORDSHIRE, HR6 0RU.**

Proposed agricultural livestock building.

Councillor KG Grumbley, the Local Ward Member said that he was happy to support the application.

In response to a question from Councillor JP French, the Development Control Manger said that a condition instructing the applicant to plant a suitable hedgerow would be included in the planning permission.

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 - B02 (Development in accordance with approved plans and materials)

Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area in accordance with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.

INFORMATIVES:

1 - N15 - Reason(s) for the Grant of Planning Permission

2 - N19 – Avoidance of doubt

9. DCNC2009/0585/F - BEECHES, HAYNALL LANE, LITTLE HEREFORD, LUDLOW, SHROPSHIRE, SY8 4BG.

Proposed 1 bay extension to existing farm building, plus a 10 bay lean-to making off the rear side of existing & new bay.

Councillor J Stone, the Local Ward Member, said that the concerns of the Parish Council had been addressed in the officer's report and he was therefore happy to support 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 external colour of the side and roof cladding shall match that on the roof of the existing building unless otherwise first agreed in writing by the local planning authority.

Reason: To minimise the visual impact of the development and to comply with Policy DR1 of the Herefordshire Unitary Development Plan.

INFORMATIVES:

1 N15 - Reason(s) for the Grant of Planning Permission

2 N19 - Avoidance of doubt - Approved Plans

10. DATE OF NEXT MEETING

1 July 2009

The meeting ended at 2.45 pm

CHAIRMAN