

# AGENDA

## Northern Area Planning Sub-Committee

Date: **Wednesday 3 June 2009**

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Time: **2.00 pm**

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Place: **The Council Chamber, Brockington, 35 Hafod Road, Hereford**

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Notes: Please note the **time, date** and **venue** of the meeting.

For any further information please contact:

**Ricky Clarke, Democratic Services Officer**

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If you would like help to understand this document, or would like it in another format or language, please call Ricky Clarke, Democratic Services Officer on 01432 261885 or e-mail [rclarke@herefordshire.gov.uk](mailto:rclarke@herefordshire.gov.uk) in advance of the meeting.

# **Agenda for the Meeting of the Northern Area Planning Sub-Committee**

## **Membership**

**Councillor LO Barnett  
Councillor WLS Bowen  
Councillor ME Cooper  
Councillor JP French  
Councillor JHR Goodwin  
Councillor KG Grumbley  
Councillor JW Hope MBE  
Councillor B Hunt  
Councillor RC Hunt  
Councillor TW Hunt  
Councillor TM James  
Councillor P Jones CBE  
Councillor PJ McCaull  
Councillor R Mills  
Councillor PM Morgan  
Councillor RJ Phillips  
Councillor A Seldon  
Councillor RV Stockton  
Councillor J Stone  
Councillor JK Swinburne  
Councillor PJ Watts**

## **GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS**

The Council's Members' Code of Conduct requires Councillors to declare against an Agenda item(s) the nature of an interest and whether the interest is personal or prejudicial. Councillors have to decide first whether or not they have a personal interest in the matter under discussion. They will then have to decide whether that personal interest is also prejudicial.

A personal interest is an interest that affects the Councillor more than most other people in the area. People in the area include those who live, work or have property in the area of the Council. Councillors will also have a personal interest if their partner, relative or a close friend, or an organisation that they or the member works for, is affected more than other people in the area. If they do have a personal interest, they must declare it but can stay and take part and vote in the meeting.

Whether an interest is prejudicial is a matter of judgement for each Councillor. What Councillors have to do is ask themselves whether a member of the public – if he or she knew all the facts – would think that the Councillor's interest was so important that their decision would be affected by it. If a Councillor has a prejudicial interest then they must declare what that interest is. A Councillor who has declared a prejudicial interest at a meeting may nevertheless be able to address that meeting, but only in circumstances where an ordinary member of the public would be also allowed to speak. In such circumstances, the Councillor concerned will have the same opportunity to address the meeting and on the same terms. However, a Councillor exercising their ability to speak in these circumstances must leave the meeting immediately after they have spoken.

**AGENDA**

	<b>Pages</b>
<b>ELECTION OF CHAIRMAN AND APPOINTMENT OF VICE-CHAIRMAN</b>	
<b>1. APOLOGIES FOR ABSENCE</b>	
To receive apologies for absence.	
<b>2. DECLARATIONS OF INTEREST</b>	
To receive any declarations of interest by Members in respect of items on the Agenda.	
<b>3. MINUTES</b>	1 - 18
To approve and sign the Minutes of the meeting held on 8 April 2009.	
<b>4. ITEM FOR INFORMATION - APPEALS</b>	19 - 22
To be noted.	
<b>APPLICATIONS RECEIVED</b>	
To consider and take any appropriate action in respect of the planning applications received for the northern area of Herefordshire, and to authorise the Head of Planning and Transportation to impose any additional and varied conditions and reasons considered to be necessary.	
Plans relating to planning applications on this agenda will be available for inspection in the Council Chamber 30 minutes before the start of the meeting.	
<b>5. DCNW2009/0589/F - BANK FARM, KINGSLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9PY.</b>	23 - 30
Retrospective application for change of use from agricultural to engineering workshop and storage, portacabin as office.	
<b>6. DCNW2009/0815/F - 2 MORTIMER DRIVE, ORLETON, LUDLOW, HEREFORDSHIRE, SY8 4JW.</b>	31 - 34
Proposed conservatory.	
<b>7. DCNC2009/0453/F - 35 PINSLEY ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8NW.</b>	35 - 40
Erection of an amateur radio antenna of commercial design (Hustler 6BTV).	
<b>8. DCNC2009/0620/F - LOWER BUCKLAND, DOCKLOW, LEOMINSTER, HEREFORDSHIRE, HR6 0RU.</b>	41 - 44
Proposed agricultural livestock building.	
<b>9. DCNC2009/0585/F - BEECHES, HAYNALL LANE, LITTLE HEREFORD, LUDLOW, SHROPSHIRE, SY8 4BG.</b>	45 - 50
Proposed 1 bay extension to existing farm building, plus a 10 bay lean-to making off the rear side of existing and new bay.	
<b>10. DATE OF NEXT MEETING</b>	
1 July 2009	



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- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
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## **HEREFORDSHIRE COUNCIL**

**BROCKINGTON, 35 HAFOD ROAD, HEREFORD.**

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HEREFORDSHIRE COUNCIL

**MINUTES of the meeting of Northern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 8 April 2009 at 2.00 pm**

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

**Councillors:** LO Barnett, WLS Bowen, ME Cooper, JP French,  
JHR Goodwin, B Hunt, RC Hunt, TW Hunt, TM James, P Jones CBE,  
PJ McCaull, R Mills, PM Morgan, A Seldon, J Stone and JK Swinburne

**106. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors KG Grumbley, RJ Phillips and RV Stockton

**107. DECLARATIONS OF INTEREST**

9. DCNW2009/0093/F - BRILLEY WOOD, BRILLEY, WHITNEY-ON-WYE, HEREFORD, HEREFORDSHIRE, HR3 6JE..  
Councillor PM Morgan; Prejudicial.

**108. MINUTES**

**RESOLVED: That the Minutes of the meeting held on 11 March 2009 be approved as a correct rerecord and signed by the Chairman.**

**109. ITEM FOR INFORMATION - APPEALS**

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

The Northern team leader informed Members of some forthcoming changes in the way planning appeals would be administered. He advised that the award of costs could now be made for or against a local authority when dealing with an appealed planning decision made solely on written representations. As well as this, the time taken for householder appeals is being shortened from six months to just twelve weeks.

For appeals heard solely on written representations, planning officers were no longer permitted to submit a written statement of support in each case. Instead, the planning inspector must rely exclusively on the reasons for the decision and the Minutes of the original planning committee.

**110. DCNE2008/2976/F - LARKRISE, KNAPP LANE, LEDBURY, HEREFORDSHIRE, HR8 1AN.**

*Replacement of single storey dwelling with three two storey houses and attached garages.*

The Senior Planning Officer updated the Sub-Committee with some points raised following the site visit:

1. The Architect for the applicant does not envisage the amount of excavation / earth movement to be such that disposal off site would be required. He envisages any earth movement to be confined to the site itself.
2. The agent for the applicant has written to confirm that he fully understands Members concerns with regard construction traffic and is willing to limit the times of access between the hours of 10am and 3 pm thus avoiding the peak hours.

This matter has been considered. No condition can be attached that limits the use of the public highway. However, a condition could be attached limiting the hours that deliveries could be taken at or despatched from the site. The potential problem with such a condition is that a delivery driver who arrives early may then attempt to comply with the condition by parking on the highway rather than pull off the highway. Given the requirement of condition 5 to construct the access prior to commencement on the construction of the dwellings, it is considered that this matter is best dealt with by way of an informative note on any planning permission.

3. Similarly the agent for the applicant confirms his client's commitment to make the financial contribution towards works to "upgrade" Knapp Lane (see clause 3 of the Draft Heads of Terms). He states that:-

"The intention is not to set the proposed development apart from the remainder of the town of Ledbury but to be an active part of it. By becoming involved in how the lane might be improved, our client would hope to ensure that services into and out of the site would be dealt with simultaneously with the intended development. In this way the possibilities of disturbance of any newly constructed upgrade would hopefully be minimised"

4. For Members information the most recent traffic flow data available reveals that Knapp Lane hereabouts has a daily average flow (taken over 7 days) of 2,416 movements (1,296 southbound and 1,120 northbound). The proposal would generate an additional 31 trips thus increasing the flows by 1.28% (0.64% uphill & 0.64% downhill assuming the traffic is equally split in both directions). As a consequence it is considered that notwithstanding the constraints of Knapp Lane, the additional traffic generated by the proposed developments is proportionally very small and could adequately be catered for on the highway network. Indeed the increase in flow is below the daily variation in flow along the lane.

The Senior Planning Officer advised Members that it would be necessary to add an eighth informative to the proposed reasons for approval:

8. The developer is requested to ensure that no deliveries during the construction phase are taken at or despatched from the site outside the hours of 10am and 3pm on any day.

Councillor PJ Watts, one of the Local Ward Members, said that he saw no reason to refuse the application as his concerns had been addressed. He felt the environmental impact would be minimal as very few car movements would be generated by the development.

Councillor JK Swinburne, another of the Local Ward Members expressed concern



regarding the access arrangements to the site. She emphasised that there were over two thousand daily vehicle movements along Knapp Lane, an essential route for Ledbury, and felt that the proposed development would increase the traffic flow. She added that local residents and Ledbury Town Council were opposed to the development.

Councillor ME Cooper, the remaining Local Ward Member said that she supported a development on the site and found the designs to be of a high standard. She added that she felt the small scale of the proposed development would have little impact on the traffic flow and therefore supported the application.

In answer to a question from a Member relating to the allocation of s106 monies specifically for highways use, the Northern Team Leader advised that no funds from other categories could be reallocated towards highways. He said that other funds collected for highways use from previous developments could be used in this case.

On balance, Members were satisfied that the development would not have a substantial effect on traffic flow in the Knapp Lane area and to approve the application

### RESOLVED

- 1 **The Head of Legal Services be authorised to complete a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 as set out in the Draft Heads of Terms Agreement and deal with any other appropriate terms, matters or issues;**
- 2 **Upon completion of the above- mentioned Planning Obligation, officers named in the Scheme of Delegation to officers be authorised to issue 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 **Prior to commencement of the development hereby permitted the following matters shall be submitted to the Local Planning Authority for their written approval:-**
    - **Written details and samples of all external materials to be used in the construction of the dwellings;**
    - **Written details of all surfacing materials in relation to the vehicular means of access / driveway, turning / manoeuvring areas and car parking together with a full scheme of surface water drainage;**
    - **A fully detailed scheme for the permanent closure of the existing eastern-most vehicular means of access.**

**The development hereby permitted shall not commence until the Local Planning Authority has given such written approval the development, including the closure of the existing eastern-most vehicular means of access, shall be carried out in full accordance with the approved details prior to the first occupation of any of the dwellings hereby permitted and thereafter maintained as such.**

**Reasons: - To ensure a satisfactory appearance to the development, to**

ensure adequate scheme of land drainage that does not involve discharge onto the public highway and in the interests of highway safety.

- 3 All of the existing on-site buildings (i.e. the bungalow and two outbuildings) shall be demolished and the resultant materials removed from the site prior to the first occupation of any of the dwellings hereby permitted.

Reason: - To ensure a satisfactory appearance to the development.

- 4 Prior to commencement of the development hereby permitted full written details of the proposed boundary treatments (if any) shall be submitted to the Local Planning Authority for their written approval. The development hereby permitted shall not commence until the Local Planning Authority has given such written approval. The approved boundary treatments shall be fully implemented prior to the first occupation of any of the dwellings hereby permitted and thereafter maintained as such.

Reason: - To ensure a satisfactory appearance to the development.

- 5 Prior to commencement of the erection of the dwellings hereby permitted the new vehicular means of access and manoeuvring areas shall be implemented with its sub-base and thereafter maintained as such throughout the construction phase.

Prior to the first occupation of the dwellings themselves the vehicular means of access and manoeuvring areas shall be fully implemented with its finished surface and the garaging / car parking shown upon the approved plans fully implemented. Thereafter these areas shall be kept available for such use.

Reason: - In the interests of highway safety.

- 6 Prior to commencement of the development hereby permitted all those trees shown upon the approved plans to be retained shall be protected by fencing of at least 1.2 metres in height in accordance with Section 9.2 of BS5837: 2005 comprising vertical and horizontal framework of scaffolding (well braced to withstand impacts) supporting either chestnut cleft fencing or chain link fencing in accordance with figure 2 of BS5837:2005. Once these protective measures have been erected but prior to commencement of the development a suitably qualified arboricultural consultant appointed by the developer shall inspect the site and write to the Local Planning Authority to confirm that the protective measures are in situ. Upon confirmation of receipt of that letter by the Local Planning Authority the development may commence but the tree protection measures must remain in situ until completion of the development.

Reason: - To safeguard the trees upon the site that are of amenity value.

- 7 H05 (Access gates )

Any new access gates shall be set back 5.5 metres from the adjoining carriageway edge and shall be made to open inwards only.

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

- 8 Development shall not begin until drainage details, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted to and approved by the Local Planning Authority, and the scheme shall subsequently be implemented in accordance with the approved details before the development is first occupied.

Reason: - To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

- 9 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping using indigenous species. The submitted scheme of landscaping must include details as to the location of all planting, the species, size and the density of planting.

Reason: - To ensure that the development is satisfactorily integrated into the locality.

- 10 All planting, seeding and turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of any of the dwellings hereby permitted or the completion of the development (whichever is the sooner). Any trees or plants which within a period of five 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.

Reason: - To ensure that the development is satisfactorily integrated into the locality.

- 11 The recommendations set out in the ecologist's report dated January 2009 should be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a full working method statement and habitat protection and enhancement scheme should be submitted to and be approved in writing by the local planning authority. The work shall be implemented as approved and maintained thereafter.

An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological work.

Reasons: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policies NC1, NC5, NC6 and NC7 of Herefordshire Unitary Development Plan.

To comply with Herefordshire Council's Policy NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of PPS9 Biodiversity and Geological Conservation and the NERC Act 2006.

**INFORMATIVES:**

1. N15 - Reason(s) for the Grant of Planning Permission
  2. N11A - Wildlife and Countryside Act 1981 (as amended) - Birds
  3. HN01 - Mud on highway
  4. HN04 - Private apparatus within highway
  5. HN05 - Works within the highway
  6. HN28 - Highways Design Guide and Specification
  7. N19 - Avoidance of doubt - Approved Plans
111. DCNW2009/0278/F - PRICES YARD, NEW STREET, LEDBURY, HEREFORDSHIRE, HR8 2EJ.

*Change of use from B1 light industrial to B2 general industrial.*

The Senior Planning Officer advised that one further letter of objection had been received from a neighbouring resident.

He added that Ledbury Town Council recommended refusal of the application as they were concerned as to the potential impact of a B2 general industrial use upon the occupants of neighbouring properties.

In accordance with the criteria for public speaking, Mr Stephens, a neighbouring resident, spoke in objection to the application and Mr Dawson, the applicant, spoke in support.

Councillor PJ Watts, one of the Local Ward Members said that he was in favour of the application as it would refurbish and enhance a dilapidated building. He added that he felt there would be minimal noise disturbance for neighbouring properties due to the soundproofing proposed for the workshop.

Councillor JK Swinburne, one of the other Local Ward Members added her support to the application as she was confident the proposed conditions would mitigate any perceived noise nuisance.

Councillor ME Cooper, the remaining Local Ward Member, said that she was happy to support a local business, especially considering the difficult economic conditions.

In response to a question, the Senior Planning Officer confirmed that any change of use for the site would require a new planning 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 premises shall only be used as a Monumental Mason's Workshop and for no other purpose (including any other purposes in Class B2 of**

the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005, or in any statutory instrument revoking and re-enacting that Order with or without modification);

**Reason: To safeguard the amenities of the occupiers of dwellings in the immediate vicinity;**

- 3 Prior to commencement of the use hereby permitted a fully detailed scheme for the provision of an acoustic enclosure within the existing building shall be submitted to the Local Planning Authority for their written approval. The use hereby permitted shall not commence until the approved acoustic enclosure has been fully implemented. Thereafter the approved acoustic enclosure shall remain in-situ;**

**Reason: - To safeguard the amenities of the occupiers of dwellings in the vicinity from excessive noise;**

- 4 Power driven tools shall only be used within the acoustic enclosure approved pursuant to condition 3 above and shall not be used elsewhere upon the site;**

**Reason: - To safeguard the amenities of the occupiers of dwellings in the vicinity from excessive noise;**

- 5 No machinery shall be operated, no process shall be carried out and no deliveries shall be taken at or despatched from the site outside the following times:-**

**8am - 6pm Mondays to Fridays  
8am - 1 pm Saturdays**

**nor at any time on Sundays, Bank or Public Holidays;**

**Reason: - To safeguard the amenities of the occupiers of dwellings in the vicinity;**

**Informatives**

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

**112. DCNW2009/0368/F - ORCHARD BUNGALOW, ALMELEY, HEREFORD, HEREFORDSHIRE, HR3 6LQ.**

*The demolition of an existing large bungalow and garage and the erection of a pair of semi detached houses with parking facilities*

The Principal Planning Officer advised that a letter had been received from the applicant's agent confirming that the applicants intended commencing work on site within 12 months, in the event of planning approval being granted and therefore withdrew the draft heads of terms of the S106.

He also informed the sub-committee that Almeley Parish Council had responded to

the application stating:

There was general agreement that the existing property is in a poor state of repair and that re-development is desirable. However there were some concerns about the appropriateness of houses, which will be flanked by a bungalow and a cottage.

The Principal Planning Officer recommended that in response to the applicant's agents letter with regards to commencement of works on site and recent changes to the Planning Obligations Supplementary Planning Document, condition number 1 be revised for the time limit for commencement of development to within one year and condition number 2, (in respect of a Section 106 agreement) be deleted. The Sub-Committee was in agreement to these changes.

## **RESOLVED**

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

**1 A01 (Time limit for commencement (full permission)) 12 months from the date of this decision.**

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

**2 C01 (Samples of external materials)**

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

**3 D04 (Details of window sections, eaves, verges and barge boards)**

**Reason: In order to ensure that the work is carried out in accordance with the scale and design of the surrounding built environment and to comply with Policy DR1 of the Herefordshire Unitary Development Plan.**

**4 F14 (Removal of permitted development rights)**

**Reason: In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy H13 of Herefordshire Unitary Development Plan.**

**5 F15 (No windows in side elevation of extension)**

**Reason: In order to protect the residential amenity of adjacent properties and to comply with Policy H18 of Herefordshire Unitary Development Plan.**

**6 G10 (Landscaping scheme)**

**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)**

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

**8 H01 (Single access - no footway)**

**Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.**

**9 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 and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan.**

**10 H29 (Secure covered cycle parking provision)**

**Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan.**

**11 The specification for any works to the surface of public footpath AB14, providing private vehicle access to the site, must be submitted for written approval by the local planning authority before any development works hereby approved commences on site.**

**Reason: In the interest of public and highway safety and to comply with Policy DR3 of the Herefordshire Unitary Development Plan.**

**Note**

**The applicants should ensure that their contractors are aware that a public footpath runs along the private drive, and that vehicles, materials, debris etc must not be stored on the line of the footpath so as to obstruct the public's right of way.**

**The applicants should note that because the right of way has footpath status it will only be maintained by the highway authority to a standard suitable for use by pedestrians. The highway authority will not carry out repairs o the surface caused by vehicle movements, and may seek contributions from landowners using the footpath if re-surfacing for its safe use by pedestrians is required in the future.**

**Informatives:**

- 1 N15 - Reason(s) for the Grant of Planning Permission**
- 2 N19 - Avoidance of doubt – Approved Plans**
- 3 HN01 - Mud on highway**
- 4 HN03 - Access via public right of way**
- 5 HN04 -Private apparatus within highway**
- 6 HN05 - Works within the highway**
- 7 HN10 - No drainage to discharge to highway**

- 8      **HN23 - Vehicular use of public rights of way**
- 9      **HN28 - Highways Design Guide and Specification**
113.   **DCNW2009/0302/F AND DCNW2009/0312/L - PLOT 1 BARN, WESTON COURT FARM, WESTON, PEMBRIDGE, LEOMINSTER, HEREFORDSHIRE, HR6 9JE.**

*New kennels to accommodate 4 no. gun dogs.*

The Senior Planning Officer informed Members that an additional condition would be recommended in order to control the specific use of the development once constructed.

In response to a question from Councillor JP French on the height of the proposed kennels, The Senior Planning Officer advised that a height of 3.9 metres was necessary for the kennels to allow dog handlers safe access to the building. She added that the planning permission sought was for four gun dogs only with a resident dog handler.

Councillor WLS Bowen asked for a condition to be added restricting the commercial breeding on the site and said he would be happy to support the application

#### **RESOLVED**

**In respect of DCNW2009/0302/F:**

**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    B03 (Amended plans)**

**Reason: To ensure the development is carried out in accordance with the amended plans and to comply with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.**

**3    C01 (Samples of external materials)**

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

**4    The building hereby approved shall only be used as a kennels incidental to the enjoyment of the dwelling house and for no other purpose 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 building, and to comply with Policy DR2 of the Herefordshire Unitary Development Plan**

#### **Informatives:**



- 1 N15 - Reason(s) for the Grant of Planning Permission
- 2 N19 - Avoidance of doubt - Approved Plans

In respect of DCNW2009/0312/L:

- 1 D01 (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.

**Informatives:**

- 1 N15 - Reason(s) for the Grant of Planning Permission
- 2 N19 - Avoidance of doubt - Approved Plans

**114. DCNW2009/0093/F - BRILLEY WOOD, BRILLEY, WHITNEY-ON-WYE, HEREFORD, HEREFORDSHIRE, HR3 6JE.**

*Proposed agricultural storage building and kennels*

The Senior Planning Officer advised that amended plans had been received replacing the proposed septic tank with a cesspit as recommended by the Environmental Agency.

In addition the Senior Planning officer corrected Paragraph 5.2 which stated '42 objections have been received from households in the immediate locality as well as some from outside of the Brilley area'. This should have read '42 objections have been received from 30 households from the immediate locality as well as outside of the Brilley area'.

The Senior Planning Officer informed Members that six further letters had been received from neighbouring properties, four of which from the resident of 'The Salt Box'. Attached to one of the letters were copies of two letters from neighbours to 'Sheepcote' the existing site of the kennels, which made reference to the disturbance in the summer months from the kennels. Another of the letters made detailed comments on the Noise Impact Assessment.

In addition, a letter had been received from Marc Willis (Chartered Town Planner) on behalf of local residents. The letter stated concerns about the Design and Access Statement Submitted, Waste disposal, the possible use of the agricultural building as a 'flesh house', hound numbers and local plan policy.

The Senior Planning officer said that the additional letters raised many issues of concern in relationship to the application. However it was considered that no new material issues of planning consideration were raised.

In the event that members were minded to give delegated authority to the Head of Planning and Transportation to approve the application, the Senior Planning Officer proposed amendments to conditions 3 and 5 to accord with best practice on the use of planning conditions. These amendments were outlined below, together with an additional condition restricting the number of hounds.

Condition 3

The building hereby approved shall only be used as a kennel for hunt hounds and for no other purpose 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 premises, in the interest of local amenity and to comply with Policy DR2 of the Herefordshire Unitary Development Plan.

Condition 5

When the premises currently known as Brilley Wood, ceases to be occupied by the kennel huntsman in charge of the hounds kennelled in the building hereby permitted, the use of the said building as a kennels to house hunt hounds shall cease and thereafter shall be used only for the purpose of

agricultural storage and for no other purpose 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 nature of the development is such that it is only considered acceptable in this location if there is on site supervision for the kennels and to comply with Policy S1 of the Herefordshire Unitary Development Plan

The Senior Planning Officer proposed an additional condition which would limit the building's capacity to kennel no more than 50 hunt hounds at any one time.

In accordance with the criteria for public speaking, Mr Johnson spoke on behalf of the Parish Council, Mrs Morris spoke in objection to the application and Miss Lloyd-Jones spoke in support.

Councillor JW Hope, the Local Ward Member, thanked Members for attending the recently held site visit. He said that he was not opposed to the site being developed, but felt that the application before the Sub-Committee was for an inappropriate use. He proposed refusal of planning permission for the application based on the following reasons: 1) The detrimental affect on the residential amenities, 2) The unacceptable odour from such a development and 3) The character of the surrounding area would be detrimentally affected.

Councillor TM James said that he could not support the application as the kennels were not in the interests of the local community. He observed that any noise from the kennels would be 'funnelled' towards the nearby dwellings creating an unacceptable noise nuisance. He also voiced concerns that the development was proposed so close to residential dwellings.

Councillor WLS Bowen said that hunting hounds were extremely loud and that locating them near to dwellings would create an unacceptable noise level for neighbouring properties. He added that the bad odour produced by such a large number of hounds would be unacceptable for the community.

Councillor A Seldon said that there was no wind information contained within the section of the report concerned with the three day noise study undertaken at the existing Golden Valley hunt site. He was of the opinion that wind direction would play a major part in the distance that noise carries. He felt this would require further investigation and said that he could not support the application.

Councillor PJ McCaul pointed out that the roads surrounding the proposed development were narrow and felt that this would create danger for road users, hunt personnel and the hounds. He said that for this reason he could not support the application.

Councillor TW Hunt said that he understood the concerns raised by objectors and fellow Members, but a similar hunt kennel in his own Ward had never been the subject of complaints from members of the public.

The Northern Team Leader said that the report was written based on existing planning policy and evidence gathered by the case officer and that he had every confidence it was factually correct.

Councillor LO Barnett said that she also could not support the application and

agreed with the concerns expressed by other Members. She said that she felt well informed by the clearly presented report from the case officer.

#### **RESOLVED**

**The Northern Area Planning Sub-Committee is minded to refuse the application subject to the reasons for refusal set out below (and any further reasons for refusal felt to be necessary by the Head of Planning and Transportation) provided that the Head of Planning and Transportation does not refer the application to the Planning Committee.**

1. The proposed development would be detrimental to the residential amenity of the surrounding area
2. The odour from the proposed development would be detrimental to the residents of the surrounding residential area
3. The proposed development would be detrimental to the character of the surrounding area.

**If the Head of Planning and Transportation does not refer the application to the Planning Committee, officers named in the Scheme of Delegation to Officers be instructed to refuse the application subject to such reasons for refusal referred to above.**

*[Note: following the vote, the Northern Team Leader said he was minded to refer the application to the Head of Planning and Transportation as the cost of risking a lost appeal was too great.]*

**115. DCNW2009/0316/F - 4 ORCHARD COTTAGES, MARLOW, LEINTWARDINE, CRAVEN ARMS, HEREFORDSHIRE, SY7 0JP.**

*Proposed two storey extension*

In accordance with the criteria for public speaking, the applicant's agent, Mr Davies had registered but decided not to speak.

Councillor LO Barnett, the Local Ward Member said that she appreciated the concerns of the Parish Council but was glad that this development would allow a family to occupy the dwelling.

**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 H18 of Herefordshire Unitary Development Plan**

**3. F13 (Restriction on separate sale )**

**Reason: It would be contrary to the policy of the local planning authority to grant permission for a separate dwelling in this location having regard to Policy H7 of Herefordshire Unitary Development Plan**

**Informatives:**

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

**2. N19 - Avoidance of doubt - Approved Plans**

**116. DCNW2009/0293/F - LEMORE MANOR, EARDISLEY, HEREFORD, HEREFORDSHIRE, HR3 6LR.**

*Change of use from nursing home to residential dwelling.*

The Northern Team Leader corrected an error on the report referring to comments from Eardisley Parish Council. The comments should have been attributed to Almeley Parish Council. Eardisley Parish Council raised no objection.

He added that further comment had been received from objectors requesting Members be provided with details of the Web site details of Lemore Manor which sets out the activities are on offer. Reference was made to other legislation under which the premises and activities undertaken there are controlled. The application should not be considered as a change of use to a residential property but should take into account all the activities that take place.

In response to the additional representations received, the Northern Team Leader said that as the application was for the change of use of the former nursing home to a single dwelling it would be inappropriate for officers to display or provide details of the web site as requested. The application, whatever the ultimate end use may be, must be determined on its merits, not those of an anticipated future application. Members would have been well aware of the activities which formed the source of objection to the previously withdrawn application, and which gave rise to the intention to carry out a sub-committee site visit.

Those are issues for either a subsequent application, or in the absence of such, consideration of the expediency of enforcement action. The applicants' agent was aware of those elements of use which the Local Planning Authority considered to fall outside of the remit of a dwelling.

In accordance with the criteria for public speaking, Mrs Glyn-Jones spoke in objection to the application and Mr Spreckley, the applicant's agent, spoke in support.

Councillor JW Hope, the Local Ward Member, said that he was in support of the change in use and moved approval of the application.

In response to a question on what was permitted in a residential property, the Northern Team Leader advised that a house could be let out and used as a party venue without the need for change of use to be applied for. He said that only when the events are held regularly is a change of use required.

Members were concerned that regular corporate events were already held at Lemore Manor and that these were of a large enough scale to be regarded as commercial.

The Legal Practice Manager reassured Members that if a situation arose where the predominant use of Lemore Manor became commercial event hosting, enforcement action could be considered by the local planning authority.

Councillor JP French added her support to the application saying it was necessary for the community to report any activities that breached planning permission and officers would then take appropriate action.

## **RESOLVED**

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

**1 A01 (Time limit for commencement (full permission))**

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

### **Informatives:**

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

**2 N19 - Avoidance of doubt - Approved Plans**

## **117. DATE OF NEXT MEETING**

6 May 2009

The meeting ended at 3.35 pm

**CHAIRMAN**







<b>ITEM FOR INFORMATION - APPEALS</b>
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**APPEALS RECEIVED****Application No. DCNC2008/2862/F**

- The appeal was received on 11 May 2009
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr L Keenan
- The site is located at 5 Wychwood, Ashpool, Whitbourne, Worcester, Herefordshire, WR6 5SD
- The development proposed is Proposed variation of condition 3 of planning permission MH2649/79.
- The appeal is to be heard by Written Representations

**Case Officer: Andrew Banks on 01432 383085**

**Application No. DCNW2008/2456/F**

- The appeal was received on 1 May 2009
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr Mills
- The site is located at Woonton Grange, Woonton, Almeley, Hereford, Herefordshire, HR3 6QN
- The development proposed is Retention of temporary mobile home to house agricultural worker.
- The appeal is to be heard by Hearing

**Case Officer: Philip Mullineux on 01432 261808**

**Application No. DCNC2008/2757/O**

- The appeal was received on 29 April 2009
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr & Mrs J & O White
- The site is located at Whites Roofing, -, Risbury, Leominster, Herefordshire, HR6 0NH
- The development proposed is Site for part demolition of an existing office/store and construction of a single storey dwelling.
- The appeal is to be heard by Written Representations

**Case Officer: Andrew Banks 01432 383085**

**Application No. DCNW2008/2428/F**

- The appeal was received on 27 April 2009
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr Keam
- The site is located at Land adjacent to Brook Farm, Wigmore, Leominster, Herefordshire, HR6 9UJ
- The development proposed is Proposed erection of one detached dwelling house.
- The appeal is to be heard by Written Representations

**Case Officer: Andrew Banks 01432 383085**

**Application No. EN2009/00569/ZZ**

- The appeal was received on 23 April 2009

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Further information on the subject of this report is available from the relevant Case Officer

- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Miss P Hansen
- The site is located at 5 Church Street, Ledbury, HR8 1DH

The breach of planning control alleged in this notice is "The Listed Building Enforcement Notice relates to the following breach of planning control: "The alteration of the building without Listed Building Consent by the removal of second floor left and right windows, second floor landing rear, first floor landing rear, ground floor rear utility room and ground floor door and surround and their replacement with the installation of UPVC (unplasticised poly vinyl chloride) double glazed windows to the front and rear elevation of the building and door to the rear of the building".

- The requirements of the notice are: The existing UPVC windows and surrounds should be removed. These should be replaced with a timber casement window to the dimensions stated on Enforcement Notice in a timber frame. The external joinery should be painted white.
- The appeal is to be heard by Written Representations

**Case Officer: Carl Brace on 01432 261795**

**Application No. EN2009/0005/ZZ**

- The appeal was received on 8 April 2009
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mr S Flook
- The site is located at The Granary Stables, Downwood Farm, Shobdon, Leominster HR6 9NH

The breach of planning control alleged in this notice is " Without planning permission the material change of use of land from a use for the keeping and training of horses and agriculture to a mixed use for the keeping and training of horses, agriculture and for the siting of a caravan for residential purposes, together with associated operational development in the form of a TV antenna structure and satellite dish"

- The requirements of the notice are: Permanently cease the residential use of the land subject of this Notice
- Permanently remove the caravan
- Remove all materials resulting from the removal of the caravan from the land
- Demolish the TV antenna structure located adjacent to the caravan
- Take down the satellite dish located adjacent to the caravan
- The appeal is to be heard by Inquiry

**Case Officer: Philip Mullineux on 01432 261808**

**Application No. EN2009/0015/ZZ**

- The appeal was received on 14 April 2009
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Mr J Pudge
- The site is located at Upper House Farm, Ivington, Leominster
- The breach of planning control alleged in this notice is "Without planning permission the material change of use of land to a use for the permanent stationing of a caravan for residential purposes, together with associated operational development consisting of the laying of hardstanding and construction of a building."
- The requirements of the notice are: Permanently cease using the land for the permanent stationing of a caravan.
- Remove the caravan from the land subject to the notice

- Demolish the building ensuring that any services contained within are disconnected and left in a safe condition
- Remove all materials resulting from both the removal of the caravan and the demolition of the building from the land subject of this Notice
- Take up all hardsurfacing and remove from the land subject of this Notice
- Restore the land to its former condition prior to the development taking place by leveling the land and re-seeding it with grass.
- The appeal is to be heard by Written Representations

**Case Officer: Andrew Banks on 01432 383085**

**Application No. DCNC2008/1565/F**

- The appeal was received on 8 April 2009
- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal is brought by Mr A Johns
- The site is located at Pool Head Orchard, -, Bodenham, Hereford, Herefordshire, HR1 3HP
- The development proposed is Retrospective application for renewal of temporary permission for site for one travelling family including two residential static caravans, toilet block, day room, shed and boundary wall.
- The appeal is to be heard by Written Representations

**Case Officer: Mark Tansley on 01432 261956**

**APPEALS DETERMINED**

**Application No. EN2008/0100/ZZ**

- The appeal was received on 19 February 2009
- The appeal is made under Section 174 of the Town and Country Planning Act 1990 against the service of an Enforcement Notice
- The appeal is brought by Ms Hansen
- The site is located at 5 Church Street, Ledbury, HR8 1DH

The breach of planning control alleged in this notice is " The alteration of the building without listed building consent by the removal of second floor left and right windows, second floor landing rear, first floor landing rear, ground floor rear utility room and ground floor door and surround and their replacement with the installation of UPVC (unplasticised poly vinyl chloride) double glazed windows to the front and rear elevation of the building and door to the rear of the building".

The requirements of the notice are: The existing UPVC windows and surround should be removed. The rear door should be replaced in timber casement window

The appeal was **WITHDRAWN** on 25 March 2009

**Case Officer: Carl Brace on 01432 261795**

**Application No. DCNW2008/0517/F**

- The appeal was received on 15 October 2008
- The appeal was made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission
- The appeal was brought by Mr & Mrs G & S Burton
- The site is located at Land adjacent to Stonewood Cottage, 5 Oxford Lane, Kington, Herefordshire, HR5 3ED
- The application dated 22 February 2008 was refused on 15 April 2008
- The development proposed was Erection of one house.

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Further information on the subject of this report is available from the relevant Case Officer

- The main issues are (1) the effect of the proposed house on the character and appearance of the Kington Conservation Area(CA); (2) the effect of the proposed house on the living conditions of nearby occupiers with respect to light and privacy.

**Decision:** The application was **REFUSED** under Delegated Powers on 15 April 2008.  
The appeal was **DISMISSED** on 3 April 2009

**Case Officer: Philip Mullineux on 01432 261808**

If members wish to see the full text of decision letters copies can be provided.

**5 DCNW2009/0589/F - RETROSPECTIVE APPLICATION FOR CHANGE OF USE FROM AGRICULTURAL TO ENGINEERING WORKSHOP AND STORAGE, PORTACABIN AS OFFICE AT BANK FARM, KINGSLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9PY.**

**For: Mr J Lindesay at the above address.**

**Date Received: 12 March 2009**

**Ward: Bircher**

**Grid Ref: 44904, 62400**

**Expiry Date: 7 May 2009**

Local Member: Councillor WLS Bowen

### 1. Site Description and Proposal

- 1.1 The application site is located in open countryside adjacent to a semi-detached dwelling, also in the applicant's control.
- 1.2 The building subject to this application is a detached agricultural building of mainly corrugated tin sheeting and timber external construction.
- 1.3 Alongside the eastern boundary of the application site is a detached single-storey dwelling, this is outside the control of the applicant, as are other dwellings (approximately 7), to the south of the application site; none of these latter properties adjoin the application site being separated by fields and accessed via a different access road from the adjoining public highway.
- 1.4 The application is 'retrospective' for change of use from 'agricultural' to engineering (B2 class use), workshops, storage and use of an adjoining portacabin to the main building as an office.

### 2. Policies

National Planning Guidance:

- 2.1 Planning Policy Statement 7: Sustainable development in rural areas

Herefordshire Unitary Development Plan:

- 2.2
 

S1	-	Sustainable development
S2	-	Development requirements
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
DR14	-	Lighting
DR4	-	Environment
E8	-	Design standards for employment sites
E11	-	Employment in the smaller settlements and open countryside
HBA12	-	Re-use of rural buildings
LA2	-	Landscape character and areas least resilient to change

### 3. Planning History

3.1 97/0244/S - Farm workshop and implement shed - Approved 2nd April 1997.

#### **4. Consultation Summary**

##### Statutory Consultations

4.1 None required.

##### Internal Council Advice

4.2 The Environmental Health Manager raises no objection stating that he has visited the application site and considers noise generation from the site to be of an acceptable level in consideration of the existing engineering operation on site and in consideration of surrounding neighbouring dwellings.

#### **5. Representations**

5.1 Kingsland Parish Council raises no objection to the application subject to a number of restrictions through the imposition of conditions to any approval notice subsequently issued to include:

- Personal planning permission to the applicant in order to control the form of use and prevent further industrialisation of the site.
- Restriction to agricultural engineering.
- Sound insulation of part of the building is required.
- Outside storage needs controlling, as presently site appears unsightly and also consideration to external colour of building.
- Restrictions to hours of use on site.
- Additional landscape screening surrounding the site.

5.2 Letters of comment/objection have been received from the following members of the public:

- Terry Goodison, Hill Crest, Lothersdale, Keighley, West Yorkshire (on behalf of his mother, who until recently resided at Meadow Bank, the dwelling adjacent to the eastern boundary of the application site).
- BB Smith, Millcoft, Lugg Green, Kingsland.
- Sally Deakin, The Old Wheelhouse, Kingsland.
- Mr CS French, Millfield, Kingsland.

5.3 The key issues raised from the members of the public can be summarised as follows:

All but one do not object in principle subject to appropriate conditions being attached to any approval notice subsequently issued, covering noise, hours of working, personal to applicant only, and additional landscaping around the site.

The objection letter received can be summarised as follows:

- Industrial development in the open countryside is not compatible with adjoining land uses or in line with Local Plan policies.
- If site is sold to someone else, industrial use on site could become an even greater problem than the current unauthorised use.
- Noise generated on site is obtrusive to surrounding dwellings.
- Hours of working on site are unreasonable.

- Employment generated on site is not compatible with Local Plan policies in consideration of the site's location.

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

## **6. Officer's Appraisal**

6.1 The key issues in respect of this application are:

- Change of use of the site.
- Impact on surrounding residential amenity and privacy.
- Impact on surrounding landscape.

### Change of use of the site

6.2 The site for the 'retrospective' development is currently deemed as agricultural use in planning terms.

6.3 The application requests change of use to B2 class use in order to enable agricultural engineering to take place on site. The Design and Access Statement, submitted in support of the application, states that the business consists of working on root vegetable handling equipment and that 90% of the business is carried out on customer sites, and that the change of use is required in order to enable repairs to equipment and storage of spare parts.

6.4 Policy E11 – Employment in the Smaller Settlements and Open Countryside and Policy HBA12 – Re-use of Rural Buildings are two key policies in the Herefordshire Unitary Development Plan in respect of this application.

6.5 Both the above-mentioned Local Plan Policies emphasise that proposed uses must be comparable with surrounding land uses and that the building proposed for re-use must be capable of the proposed use without the need for substantial reconstruction.

6.6 Officers consider that the proposal does comply with the above-mentioned Local Plan Policies. However generalised 'B2' class use of the site could lead to potential conflict for adjoining land use amenity. Therefore the imposition of appropriate conditions is considered necessary to cover issues such as noise, hours of operation, additional landscaping and modifications to the existing building on site.

### Impact on surrounding residential amenity and privacy

6.7 A number of surrounding residents have made comment on the application as outlined in Section 5 of this report. However, it is noted of the letters received only one objects to the application outright, others raising concerns that if the development is approved, appropriate conditions be attached to any approval notice subsequently issued. These concerns are also shared by the Local Parish Council.

6.8 One issue of major concern is future development/use on site and therefore it is considered necessary for a personal condition for the applicant only, in order to prevent further potentially unacceptable, industrial uses of the site.

6.9 The applicant lives in the dwelling adjacent to the application site known as Bank Farm, and wishes to use the site for agricultural engineering; this is considered sustainable in consideration of its location.

- 6.10 However, in consideration of the location of the site, and the fact that there are several properties within close proximity to the application site, more general industrial use of the site would be considered unacceptable, and therefore restriction on use of the site to that as proposed by the applicant with further conditions, with regards to noise, hours of use, outside lighting and landscaping are recommended by your officers. It is noted that the Council's Environmental Health Manager raises no objections to the proposed development in consideration of the existing operation carried out on site.

Impact on surrounding landscape

- 6.11 The site for the development is in open countryside and the closest dwelling to the application site is located adjacent to the site's eastern boundary and as such outside storage could have a significant detrimental impact on the amenity of this dwelling, as well as the surrounding landscape. Therefore it is recommended that additional landscaping in the form of tree/hedge planting is required as well as restrictions on operations outside of the building.
7. Conclusion

The specific development subject to this application is considered acceptable, subject to the imposition of appropriate conditions.

## RECOMMENDATION

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

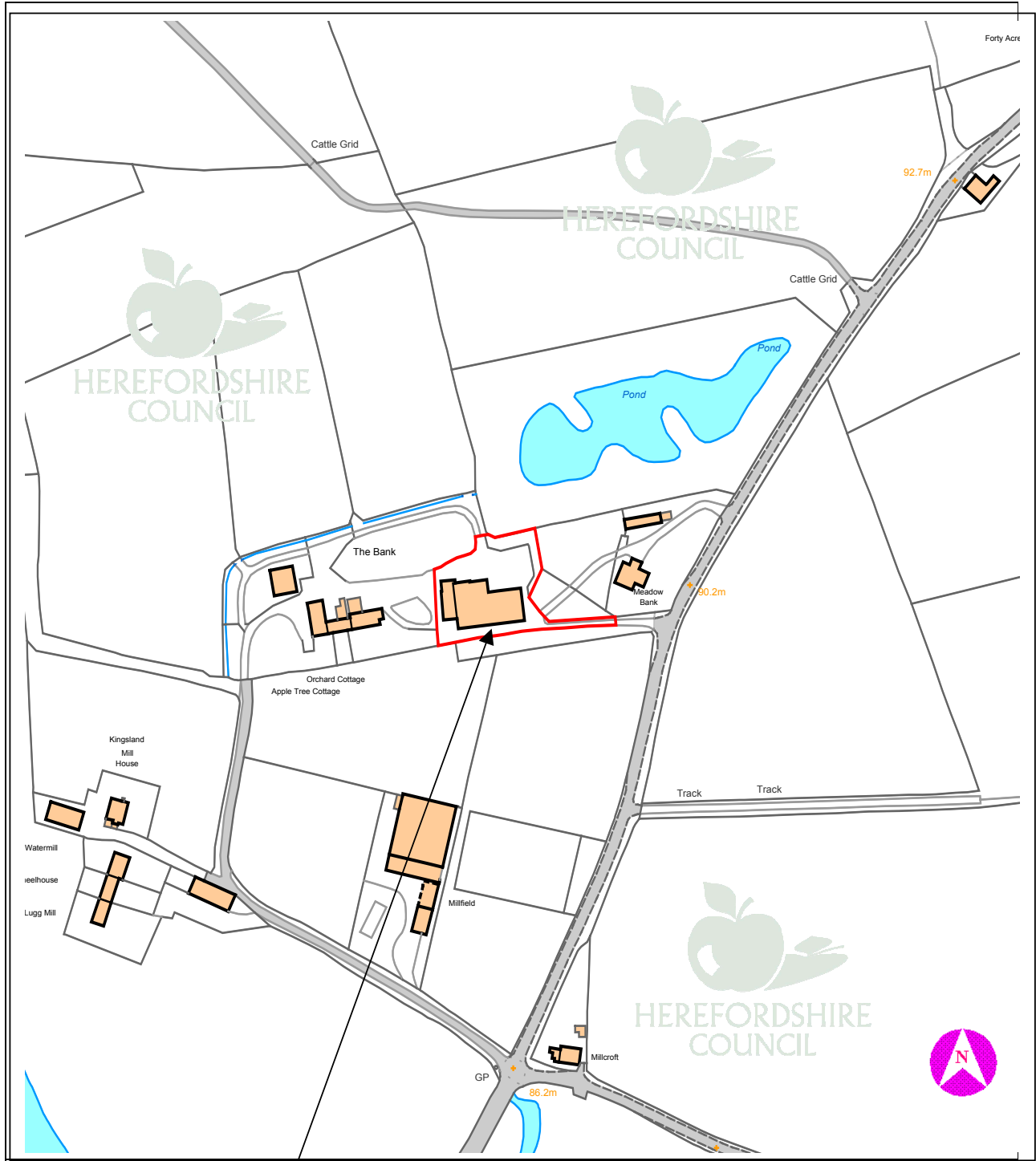
Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

**APPLICATION NO:** DCNW2009/0589/F

**SCALE :** 1 : 2500

**SITE ADDRESS :** Bank Farm, Kingsland, Leominster, Herefordshire, HR6 9PY

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Further information on the subject of this report is available from Mr P Mullineux on 01432 261808



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

**For: Mrs D Crew at the above address.**

**Date Received: 9 April 2009**

**Ward: Bircher**

**Grid Ref: 49253, 67314**

**Expiry Date: 4 June 2009**

Local Member: Councillor WLS Bowen

**1. Site Description and Proposal**

- 1.1 A link-detached single-storey dwelling of mainly brick external construction under a tiled roof. The dwelling forms one of several similar properties within its immediate vicinity.
- 1.2 The application proposes a single-storey site extension in the form of a conservatory and porch onto the eastern side elevation of the property, with an internal floor space of approximately 25.3 metres measured externally. The existing dwelling has an internal floor space of approximately 82.5 metres (also measured externally and excluding the garage).

**2. Policies**

Herefordshire Unitary Development Plan

- 2.1 S1 - Sustainable development
- S2 - Development requirements
- DR1 - Design
- DR2 - Land use and activity
- DR3 - Movement
- DR4 - Environment
- H18 - Alterations and extensions
- HBA6 - New developments within Conservation Areas
- LA2 - Landscape character and areas least resilient to change

**3. Planning History**

- 3.1 NW2009/0051/F - Proposed conservatory refused 25 February 2009.

**4. Consultation Summary**

Statutory Consultations

- 4.1 None required.

Internal Council Advice

- 4.2 The Conservation Manager raises no objections, stating approval of this application would not harm acknowledged conservation interests.

**5. Representations**

- 5.1 One letter of objection has been received from Mr & Mrs J Taylor, 5 Mortimer Drive, Orleton. The letter states objections to the proposed development in consideration of the footprint of the proposed development being too large and will look visually unacceptable in consideration of surrounding properties.
- 5.2 Orleton Parish Council have responded to the application stating:
- "The Parish Council feels it is still too large and should be reduced by at least 40%. It should be confined to one room and moved further away from the front of the property so the visual impact is improved."
- 5.3 The full text of this letter can be inspected at Northern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

## **6. Officer's Appraisal**

- 6.1 The key issue is:
- The scale and design of the proposed extension.
- 6.2 The application proposed a side extension to a single-storey dwelling to be used as a conservatory and porch area onto a side entrance to the property, which is reasonably well screened from the adjoining dwelling by the existing boundary hedge.
- 6.3 The proposed development is subservient to the existing dwelling on site, and of a scale and design that is also considered acceptable to the existing dwelling, as well as the surrounding built environment.
- 6.4 The previous application refused planning permission was for development approximately 5 square metres larger in internal floor space (measured externally).
- 6.5 The proposed development subject to this application would be classed as permitted development if it was not located within a Conservation Area.
- 6.6 In consideration of the surrounding built environment and the dwelling subject to this application, the proposal is considered acceptable with no adverse impact on amenity and privacy of surrounding dwellings, and it is noted that the Council's Conservation Manager raises no objections in consideration of impact on the surrounding Conservation Area and therefore complies with Policy HBA6.

## **RECOMMENDATION**

**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**

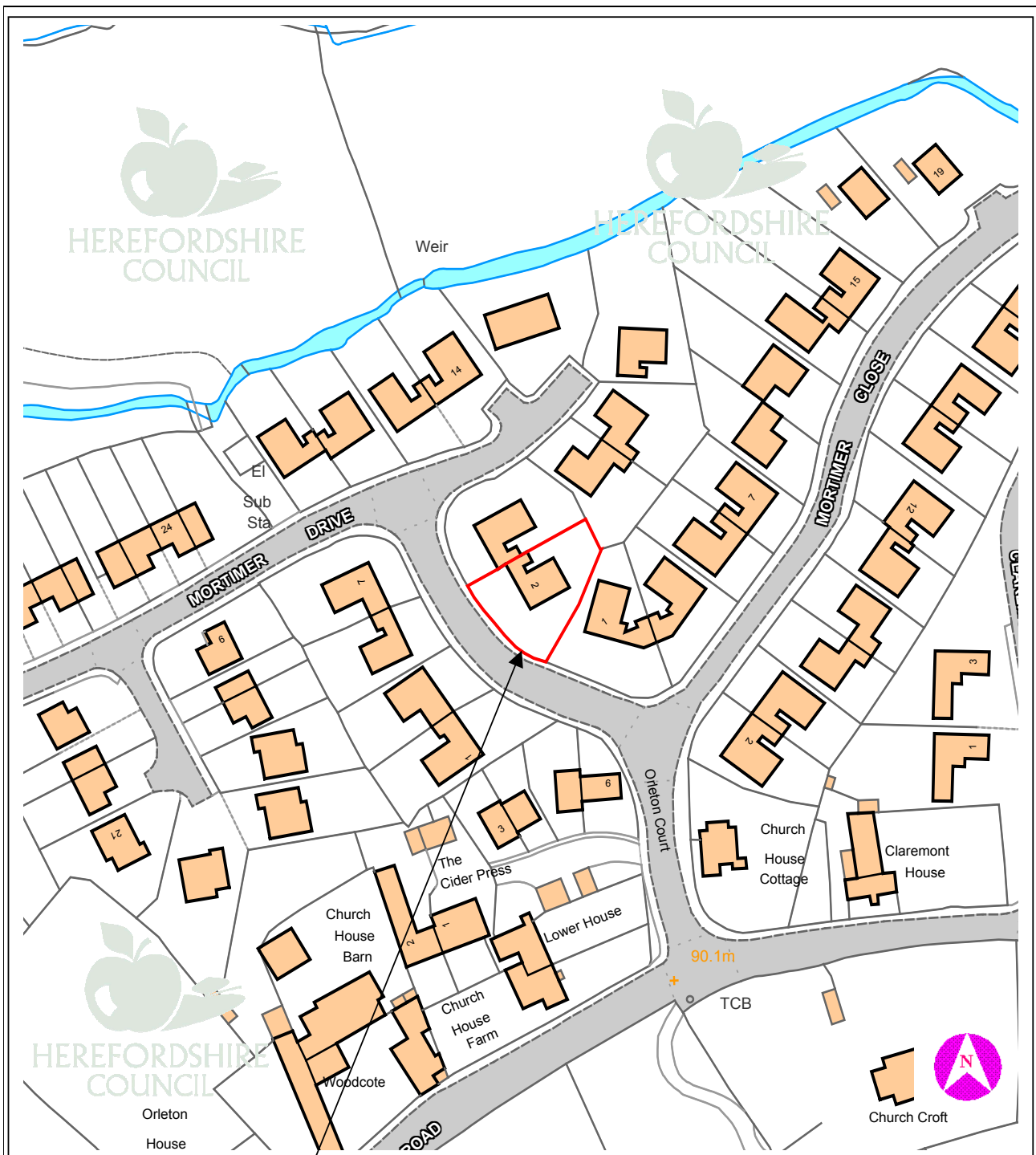
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCNW2009/0815/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** 2 Mortimer Drive, Orleton, Ludlow, Herefordshire, SY8 4JW

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**7 DCNC2009/0453/F - ERECTION OF AN AMATEUR RADIO ANTENNA OF COMMERCIAL DESIGN (HUSTLER 6BTM). 35 PINSLEY ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8NW.**

**For: Prof Philip Witting at the above address.**

**Date Received: 26 February 2009      Ward: Leominster South      Grid Ref: 50097, 59026**

**Expiry Date: 23 April 2009**

Local Member: Councillor RC Hunt

**1. Site Description and Proposal**

1.1 The application relates to 35 Pinsley Road in Leominster. The property is a recently completed semi detached dwelling, being one of a group of six approved under application reference DCNC2003/2699/F. They are modest properties, set back slightly from the road behind a low brick wall topped with railings. Each has a small garden to the rear with a shared parking area beyond. The shared parking back on to a narrow strip of commercial land and Pinsley Mill, which itself has the benefit of planning permission for residential conversion to nine flats, subject to the completion of a Section 106 Agreement. Beyond this is railway line.

1.2 The area can be described as being residential in its character and is adjacent to the Leominster River Meadows Conservation Area.

1.3 The proposal is for the erection of an amateur radio antenna. It is described as a Hustler 6BTM being of a commercial design. It has a total height of 7.15 metres and for the majority of its height has a diameter of 32mm, although this does increase slightly at four points to 40mm and towards the top to 50mm with the top 0.75 metres having a diameter of just 2mm. The antenna is silver in colour and is shown to be supported at two points by a pair of 3mm nylon guy ropes.

**2. Policies**

2.1 Herefordshire Unitary Development Plan

DR2 - Land use and activity

CF3 - Telecommunications

2.2 Planning Policy Guidance Note 8 - Telecommunications

**3. Planning History**

3.1 Conversion and extension of former mill building to 9 flats - Approved by the Northern Area Planning Sub-Committee subject to the completion of a Section 106 Agreement. To date the Agreement has not been signed and until such time that it is the matter remains outstanding.

3.2 DCNC2003/2699/F - Erection of six dwellings with shared parking to the rear - Approved

**4. Consultation Summary**

Statutory Consultations

## 4.1 None required

Internal Council Advice

- 4.2 Conservation Manager - No objection. The proposal will not conflict with conservation interests.
- 4.3 Leominster Town Council - Does not consider there to be sufficient information about the operation of the particular aerial to determine whether the transmitter works within the guidelines published by the International Commission on Non-Ionising Radiation Protection (ICNIRP)
- 4.4 Network Rail - Object to the application. It appears that there is a potential risk that electromagnetic interference could be generated at this location of which would be at a level of which is likely to affect the correct operation of our signalling and telecommunications assets within this locality, thereby potentially affecting the safe operation of the railway.
- 4.5 I should also point out that Network Rail has in its possession a report from an accredited EMC Test Laboratory relating to Solid State Interlocking (SSI) equipment used to control the safe movement of trains on the railway, which indicates that in the frequency range 150 kHz - 60MHz an induced voltage above 3 volts will lead to a system malfunction. Due to the nature of the interference in this frequency range, the precise correlation of the field strength limit and the induced voltage level can only be accurately established by on site testing and measurement, which at present cannot be performed as the radio mast is not yet installed and in use.
- 4.6 The Ramblers Association - Object on the basis that the mast will be visually intrusive from the Hereford Way and that walkers could be at danger when the mast is transmitting at the high power levels of which it is capable.
- 4.7 Eight objections have been received in response the statutory consultation period from the following:
- Mrs Roe, 21 Buckfield Road, Leominster  
JN Cowall, Gretley, Pinsley Road, Leominster  
Dr & Mrs Poole, Parkside, Pinsley Road, Leominster  
Mrs Jones, 2 The Meadows, Leominster  
G Hunt, 9 Pinsley Road, Leominster  
Mrs D Emes, 37 Pinsley Road, Leominster  
Mr D Martin, 108 The Mallards, Leominster  
Mrs Measures, 45 Pinsley Road, Leominster
- 4.8 In addition a petition of 105 signatories has been submitted. Of these 17 reside in Pinsley Road, the remainder range from addresses in Leominster and surrounding villages including Stoke Prior and Monkland, Hereford, Tenbury Wells, and one each from residents of Peterborough and Northallerton respectively.
- 4.9 In summary the letters and petition raise the following issues:
- (a) The antenna will be visually obtrusive.
  - (b) The proposal gives rise to concern over health issues.
  - (c) The antenna will cause interference with electrical equipment in nearby dwellings.
- 4.10 In support of the application the applicant has provided details of a pre-application consultation that he undertook with his immediate neighbours. These show nine residents to have been supportive at that time, although one has since retracted this support through a consultation response to the application, and one objection.

- 4.11 A letter from the Radio Society of Great Britain is also provided confirming that the applicant is properly licensed by Ofcom as an amateur radio operator.
- 4.12 In addition four appeal decisions where antenna have been allowed in residential areas have also been submitted by the applicant.

## 5. Representations

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

## 6. Officer's Appraisal

- 6.1 The main issues to be considered are those relating to residential amenity and the visual impact of the antenna, its potential to cause electrical interference and concerns over health issues. Each matter will be dealt with in turn.

### Residential Amenity and Visual Impact

- 6.2 These two matters are closely linked and it therefore it is logical to consider both together.
- 6.3 Policy CF3 requires that proposals are sited and designed to minimise their impact on the surrounding area and residential amenity, and where appropriate and possible, to provide a scheme for landscape screening.
- 6.4 Pinsley Road is residential in its character and is a well used public thoroughfare. The area predominantly consists of two storey dwellings within the immediate vicinity of the application site. A large Silver Birch tree is immediately alongside the proposed site for the antenna and is considerably taller than the applicant's dwelling.
- 6.5 The antenna will be viewed from neighbouring properties against the backdrop of the Silver Birch tree. Although dwellings are closely positioned to one another, the antenna only has a diameter of 32mm and it will lose any visual prominence that it might otherwise have, particularly when the tree is in leaf. It is not considered that it will be unduly dominant or overbearing as a result.
- 6.6 Views of the antenna from the road will be limited. The antenna does not exceed the height of the dwelling and any glimpses of it will again be seen in the visual context of the tree.
- 6.7 It is noted that the Council successfully defended an appeal for the erection of a mast at a property in Withington on visual and landscape impact grounds (application reference CE2008/0228/F) but this is considered to be materially different from the application currently being considered. The mast at Withington was to be located in an open position, clearly visible from the A465. Furthermore it had a maximum height of 15 metres, over twice the height of this proposal.
- 6.8 It is concluded that the proposal accords with CF3 in terms of residential amenity and visual impact. Its slimline design, combined with its location against the backdrop of the Silver Birch tree ensure that this is the case.

### Electromagnetic Interference

- 6.9 Paragraph 102 of PPG8 deals specifically with this subject. It advises that electromagnetic interference can be caused by a radio transmitter or by unwanted signals emitted by other

electrical equipment. It goes on to state that the Radio communications Agency (now Ofcom) has statutory powers to deal with this type of interference under the Wireless Telegraphy Act 1949. Whilst such interference can be considered as a material planning consideration, it first has to be clear that significant interference will arise, or will probably arise, and that no practicable remedy is available.

- 6.10 The comments received from Network Rail suggest that there is a solution to the concerns that they have raised and that this could be dealt with under the statutory powers described above. They also point out that interference can only really be accurately established by on site testing, which cannot presently be performed as the antenna is not installed and in use.
- 6.11 Whilst some of the letters of objection go into some detail on the technical background and operation of the antenna and suggest that it will cause electromagnetic interference they do not quantify the significance of this and, like the concerns expressed by Network Rail, it is concluded that any interference that may be caused can be dealt with by Ofcom as the regulatory body. This being the case a comment from a Planning Inspector dealing with an appeal in West Sussex is particularly pertinent:

“Control of radio interference is not a matter for the planning system....”

- 6.12 It is also noted that a similar antenna was erected for a temporary period by the applicant to gauge local opinion before submitting a planning application. An enforcement complaint was lodged with the Council at this time but no mention was made of interference.
- 6.13 The applicant is a licensed operator and a requirement of this is to ensure that a log is kept of all transmissions. If logs were to be kept by local residents of instances when electrical interference occurs it would be a simple matter for Ofcom to deal with. Nevertheless, the level of interference that might occur as a result of this proposal would not be so significant or extreme to justify refusing this application.

#### Health Issues

- 6.14 Many of the objection letters and the petition raise concerns about the effects on health. Paragraph 98 of PPG8 makes it quite clear that the Government considers that the planning system is not the place for determining health safeguards. The emphasis of the paragraph is focussed on mobile phone installations but is applicable in this case. The advice is that if an installation meets ICNIRP guidelines for public exposure it should not be necessary for a local planning authority to consider further the health aspects and concerns about them.
- 6.15 The application is not accompanied by an ICNIRP compliance certificate. However, the type of antenna applied for appears to be aimed at amateur radio enthusiasts who will most commonly be transmitting from their own homes. This will often mean that they are in close proximity to other dwellings, as is the case in this instance. Whilst concerns have been raised about health issues they are not supported by any evidence to suggest that this type of antenna has been the subject of any such complaints. It is therefore considered that there is little to suggest that this proposal will give rise to such significant implications to public health to warrant its consideration as being material to the determination of this application.
- 6.16 The assessment of this proposal is consistent with the approach that has been taken by Planning Inspectors when considering appeals where similar objections have been raised. It is therefore concluded that the scheme accords with Policy CF3 of the Herefordshire Unitary Development Plan and the guiding principles of PPG8. The application is recommended for approval.

**RECOMMENDATION**

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 mast shall be taken down within 28 days of its ceasing to be required for radio communication.

Reason: To ensure the removal of equipment that is no longer in use in the interests of residential amenity and in order to conform with Policy CF3 of the Herefordshire Unitary Development Plan and the guiding principles of PPG8 – Telecommunications.

**INFORMATIVES**

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

- 2. - N19 - Avoidance of doubt - Approved Plans

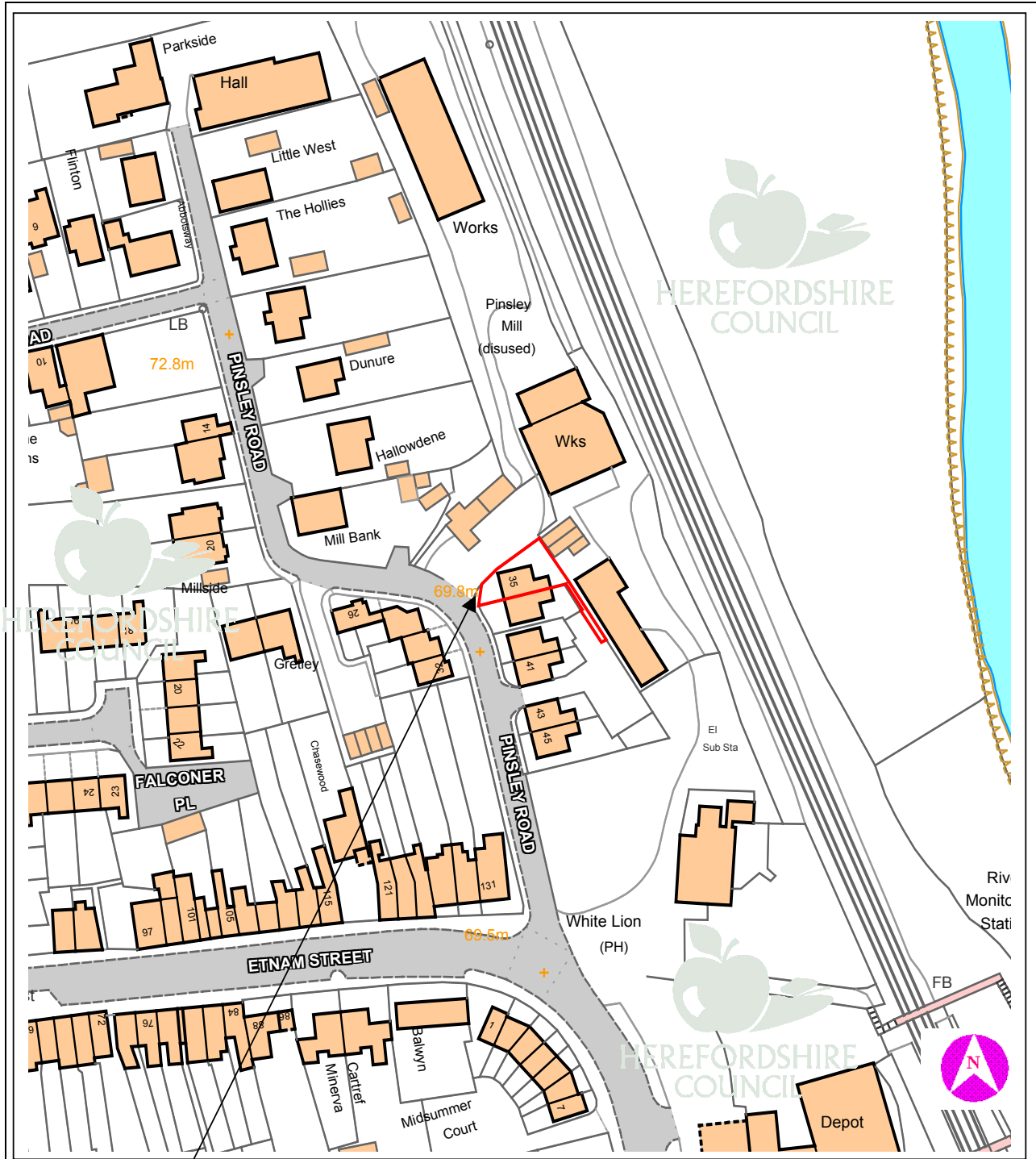
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCNC2009/0453/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** 35 Pinsley Road, Leominster, Herefordshire, HR6 8NW

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

**For: Mr RH Thomas at the above address.**

**Date Received: 20 March 2009      Ward: Hampton Court      Grid Ref: 55858, 56831**

**Expiry Date: 19 June 2009**

Local Member: Councillor KG Grumbley

**1. Site Description and Proposal**

- 1.1 The application relates to an area of agricultural pasture lying immediately to the north of an existing range of agricultural buildings. The land slopes gently in both a west/east and south/north direction within a typically undulating landscape of small fields defined by mature hedgerows. One such hedgerow separates the application site from the existing buildings referred to above.
- 1.2 The proposal is for the erection of a new agricultural building identical in its form to that which exists. It comprises a central element with a curved roof with shallow pitched lean-to parts to either side. The building has a total floor area of 1393 square metres, an eaves height of 4.5 metres and a maximum height of 7.3 metres, and is to be finished in a combination of black profile sheeting and space boards.
- 1.3 The design and access statement accompanying the application advises that the building is required as Buckland Farm, previously owned by the applicant and his brother, has been split into two separate farms. The majority of its associated buildings and the farm yard remain in the ownership of the applicant's brother, with limited farm buildings serving the newly created farm at Lower Buckland which amounts to 150 hectares. The farm has a mixed use of arable, sheep and pigs and the building is to be used to house the latter. Approximately 1500 animals are currently housed in a building at Buckland Farm but the agreement for this is due to terminate at the end of the year.
- 1.4 The statement also advises of the removal of a 40 metre length of hedgerow in order that the existing and proposed buildings can be used as a combined complex. It also advises of an intent to plant a new hedgerow of 120 metres to the east of the application site.

**2. Policies**

E13 - Agricultural and forestry development  
 LA2 - Landscape character and areas least resilient to change  
 LA5 - Protection of trees, woodlands and hedgerows  
 LA6 - Landscaping schemes

**3. Planning History**

- 3.1 DCNC2008/1311/F - Creation of a new access onto A44 and track to serve Lower Buckland Farm - Approved 13th June 2008

**4. Consultation Summary**

Statutory Consultations

- 4.1 None required

Internal Council Advice

- 4.2 Transportation Manager - No objections  
4.3 Conservation Manager - Ecology -

Questions the need to remove the hedgerow between the existing building and the application site. Also advises of a record of Great Crested Newts to the south west and that hedgerows can provide a terrestrial habitat for them.

If the application is considered to be acceptable in landscape terms it is suggested that work to field boundaries is avoided and that hardstanding is created within the field.

**5. Representations**

- 5.1 Docklow and Hampton Wafer Parish Council - No objections  
5.2 The full text of these letters can be inspected at Northern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

**6. Officer's Appraisal**

- 6.1 The application is being considered by the Northern Area Planning Committee principally because the applicant is married to an employee of Herefordshire Council. No objections have been received although the Council's ecologist has questioned the need to remove a length of hedgerow totalling 40 metres. Therefore the ecological and landscape impacts of this proposal form the key matters to be considered. An assessment of the need for the building in comparison to the size of the holding and the use for which it is intended is also material to the determination of the scheme.

Landscape Impact

- 6.2 Although this proposal is of some significance in terms of its size, the site is visually well contained. It is located on lower lying land and therefore does not occupy a prominent location on or close to the skyline. The landscape pattern means that distant views are broken by mature hedgerows and coppices of trees. This is of some benefit as this provides a degree of natural screening. The site is not visible from any distant viewpoints and this is borne out by the fact that the existing buildings cannot be seen. The proposal to plant a new hedgerow to the east of the site will mitigate the landscape impacts that the proposal will have and therefore it is considered to accord with policies E13 and LA2 of the Unitary Development Plan.

Ecological Impact

- 6.3 The applicant has advised that in order for the buildings to operate as a single combined unit it is his desire to remove the hedgerow and create an area of hardstanding between the two to allow machinery to move freely between them.  
6.4 Hardstanding has been laid up to the hedgerow on its southern side and the reality is that if it were to be retained it is likely to be compromised by the creation of a similar area immediately to the north. It is reasonable to allow space around farm buildings in order that they function properly and the planting of a new hedgerow to the east is also considered to provide mitigation



in terms of ecological impact. The proposal accords with Policy LA5 and LA6 of the Unitary Development Plan as it includes mitigation proposals.

Need for the Building

- 6.5 The use of the land as an agricultural holding is well established. It amounts to 150 hectares and the applicant's intended use for the building is to house the existing 1500 pigs. His use of the building is intended to comply with current Freedom Food stocking densities. The minimum to comply with this is 0.55 square metres per animal, but the intention is to stock at 0.7 square metres per animal. The building is also designed to incorporate a hospital pen, together with handling and loading facilities that are also a requirement of the Freedom Food Assurance Scheme.
- 6.6 It is concluded that the building is reasonably required to meet these needs and therefore this final matter is also considered to be acceptable.
- 6.7 It is concluded that there is a need for the building and that the landscape and ecological impacts of it will be mitigated through the planting of a new hedgerow to the east of the application site. The proposal therefore accords with the relevant Unitary Development Plan policies and is recommended for approval.

**RECOMMENDATION:**

**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**

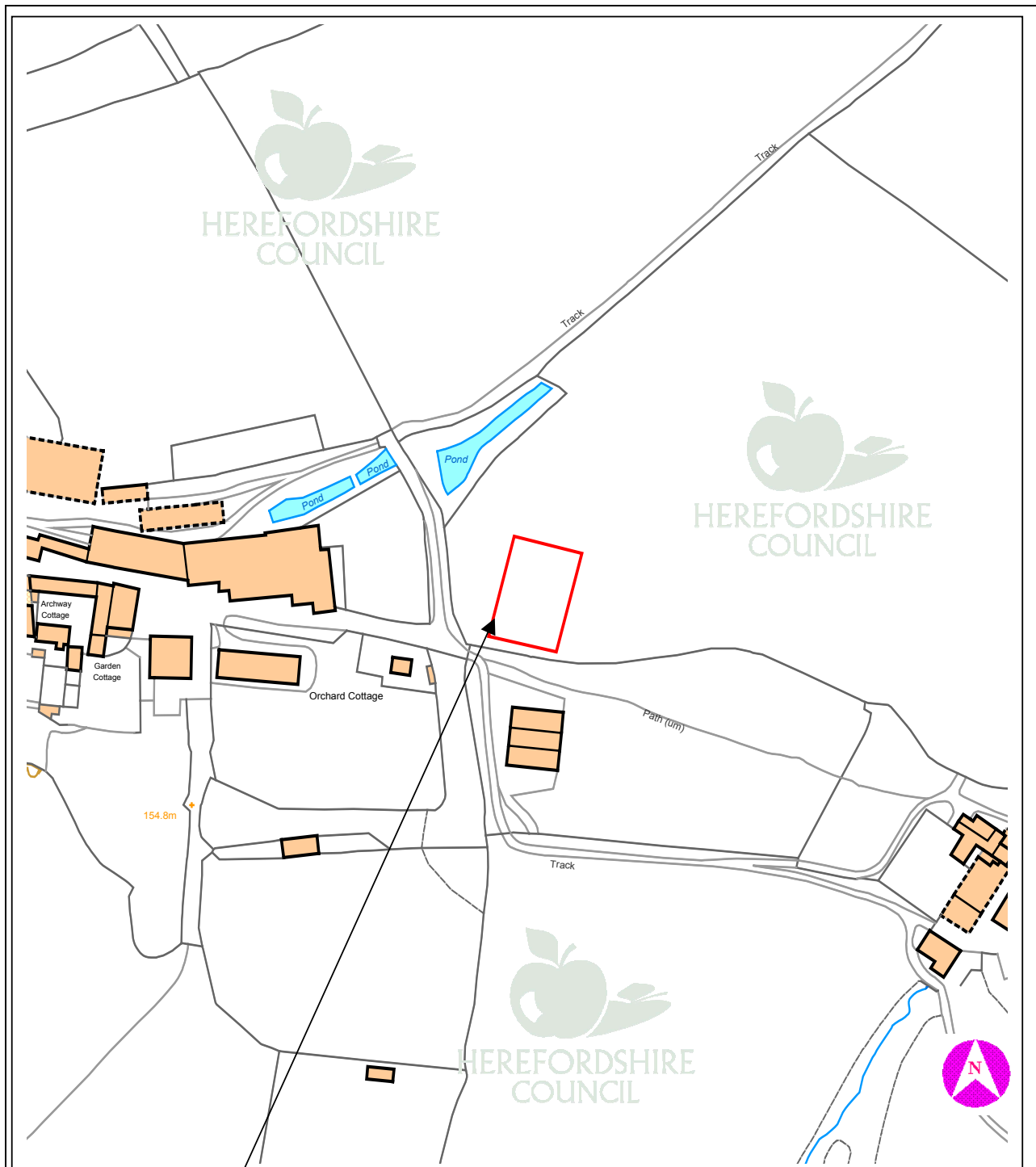
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCNC2009/0620/F

**SCALE :** 1 : 2500

**SITE ADDRESS :** Lower Buckland, Docklow, Leominster, Herefordshire, HR6 0RU

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Further information on the subject of this report is available from Mr A Banks on 01432 383085 Ext 3085

**9 DCNC2009/0585/F - PROPOSED 1 BAY EXTENSION TO EXISTING FARM BUILDING, PLUS A 10 BAY LEAN-TO MAKING OFF THE REAR SIDE OF EXISTING & NEW BAY. AT THE BEECHES, HAYNALL LANE, LITTLE HEREFORD, LUDLOW, SHROPSHIRE, SY8 4BG.**

**For: Mr J Stinton per Mr M Mifflin Leominster Construction,  
Unit 4, Southern Avenue, Industrial Estate, Leominster,  
Herefordshire, HR6 0QF.**

**Date Received: 11 March 2009**

**Ward: Upton**

**Grid Ref: 53956,67777**

**Expiry Date: 6 May 2009**

Local Member: Councillor J Stone

## **1. Site Description and Proposal**

- 1.1 This site flanks the north eastern side of Haynall Lane and is approximately one mile to the east of Brimfield. The site itself consists of a large hardstanding area and open fields. There is an existing agricultural building on site with brown metal sheeting on the roof. The north western side of the building is open but with temporary plastic sheeting on the other three sides. The site is largely surrounded by fields, although there is an existing dwelling to the south east. There is a large vehicular access onto the highway which serves the application site.
- 1.2 This current planning application is for an extension to the existing agricultural building on site. The proposed extension will be on the rear south east side and north east end of the existing building and will be clad in box profile plastisol steel sheeting coloured brown on both the walls and roof. The proposed extension will extend the existing building by 6.095 metres (an extra bay) and the proposed rear lean-to will widen it by 7.315 metres. The overall length will then be 50.292 metres and the width will be 22.555 metres. The height to the top of the ridge is 7.083 metres.

## **2. Policies**

### **2.1 Planning Policy Guidance/Statements**

PPS1	-	Delivering Sustainable Development
PPS7	-	Sustainable Development in Rural Areas

### **2.2 Herefordshire Unitary Development Plan**

Policy S2	-	Development Requirements
Policy DR1	-	Design
Policy E13	-	Agricultural and Forestry Development
Policy DR3	-	Movement

### 3. Planning History

- 3.1 DCNC1999/1240/F - Widen existing vehicular access. Approved 27.08.99  
 DCNC2001/1734/F - Retention of hardstanding for agricultural storage of hay/staw/silage bales. Approved 14.08.01  
 DCNC2002/0182/S - General purpose storage building. Refused 12.02.02  
 DCNC2002/1173/F - Retention of farm office and steel containers for the storage of animal feeds, tools and other agricultural equipment. Refused 13.06.02  
 DCNC2002/1942/F - Approval of siting and design of agricultural building. Approved 07.11.02  
 DCNC2002/2680/F - Retention of hardstanding for storage of farm machinery, straw, hay and other agricultural materials and equipment. Approved 27.11.02  
 DCNC2003/3175/F - Erection of steel frame open sided stock yard. Refused 12.12.03  
 DCNC2004/1813/F - Erection of steel frame part open-sided stock yard. Approved 11.08.04  
 DCNC2006/2435/F - Retention of farm road, parking and access. Approved 20.09.06  
 DCNC2009/0861/F - Proposed creation of two amenity/wildlife ponds. No decision reached – current application

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 None

#### Internal Council Advice

- 4.2 None

### 5. Representations

- 5.1 The applicant's agent states that in March 2008 an existing building (5250 square feet) on site was lost by fire and the remains have now been demolished and cleared away. The proposed extension will replace only 4480 square feet. The lean-to design is much cheaper than an independent building and will replace only some of the storage space the applicant lost.

The Beeches is supported by 9 hectares of land plus the applicant rents a further 26 hectares of land from nearby farmers.

The proposed extension will provide secure storage of farm implements, hay and straw all of which were catered for in the building lost by fire.

The applicant currently has 140 sheep and 220 lambs and will fatten, 50 cattle when further storage of hay is available.

- 5.2 The Parish Council state:-

Objection. This building is disproportionate to the size of the property. We query the usage of the property, appearing as a commercial property with no livestock/produce yet described as a farm. We also have concerns regarding increased traffic in Haynall Lane and possibly Lynch Lane.

- 5.3 One letter of objection has been received from Mr P. Sandall, Leas Cottage, Lynch Lane, Little Hereford, SY8 4AT. The main points being: -

- The increased size of the shed is disproportionate to the area of the site which is relatively small and not being used for agriculture.

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Further information on the subject of this report is available from Mr N Banning on 01432 383093

- The existing planning permission is for agricultural storage. However as well as this the site is used for other commercial applications such as sheep sales.
- The narrow lane leading to the site and the dangerous junction off the A456 make this an unsuitable location for activities which are bound to increase traffic to and from the site. Extra storage will add to this problem.
- The applicant manages and maintains the site to a very high standard but this does not affect reasons for objection.

5.4 The full text of this letter can be inspected at Northern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

## **6. Officer's Appraisal**

6.1 The main issues relate to:-

- i.) The size and design of the proposed extension and it's effect on the landscape
- ii.) The principle of the development and the use of the land
- iii.) Vehicular traffic and access arrangements

The most relevant policies are S2, DR1 and E13 of the Herefordshire Unitary Development Plan.

6.2 The proposed development will form a natural extension to the existing building and will be in keeping with its scale and character. The colour of the external cladding is also considered to be acceptable and appropriate for this type of building in a rural area. The proposed extension will not significantly increase the size of the existing building and will not result in it making any adverse impact on the surrounding landscape. As such the proposed development is therefore considered to be acceptable and in accordance with planning policies and guidance in particular Policies S2, DR1 and E13 of the Herefordshire Unitary Development Plan.

6.3 The Parish Council has raised questions relating to the agricultural use of the property and the need for the building. However at the time of the site inspection the building was in full agricultural use, i.e. a large number of sheep and lambs, bales of hay and machinery were contained within it. The applicant has also stated that he owns a large number of sheep, lambs and cattle and that an existing agricultural building on site was recently lost through fire last year.

6.4 The existing vehicular access is very wide and there is plenty of turning and parking space within the site. It is considered that the proposed extension to the building will not result in any significant increase in traffic using the site, and is in accordance with Policy DR3 of the Herefordshire Unitary Development Plan.

6.5 The proposed development is therefore considered to be acceptable and in accordance with planning policies and guidance.

## **RECOMMENDATION**

**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

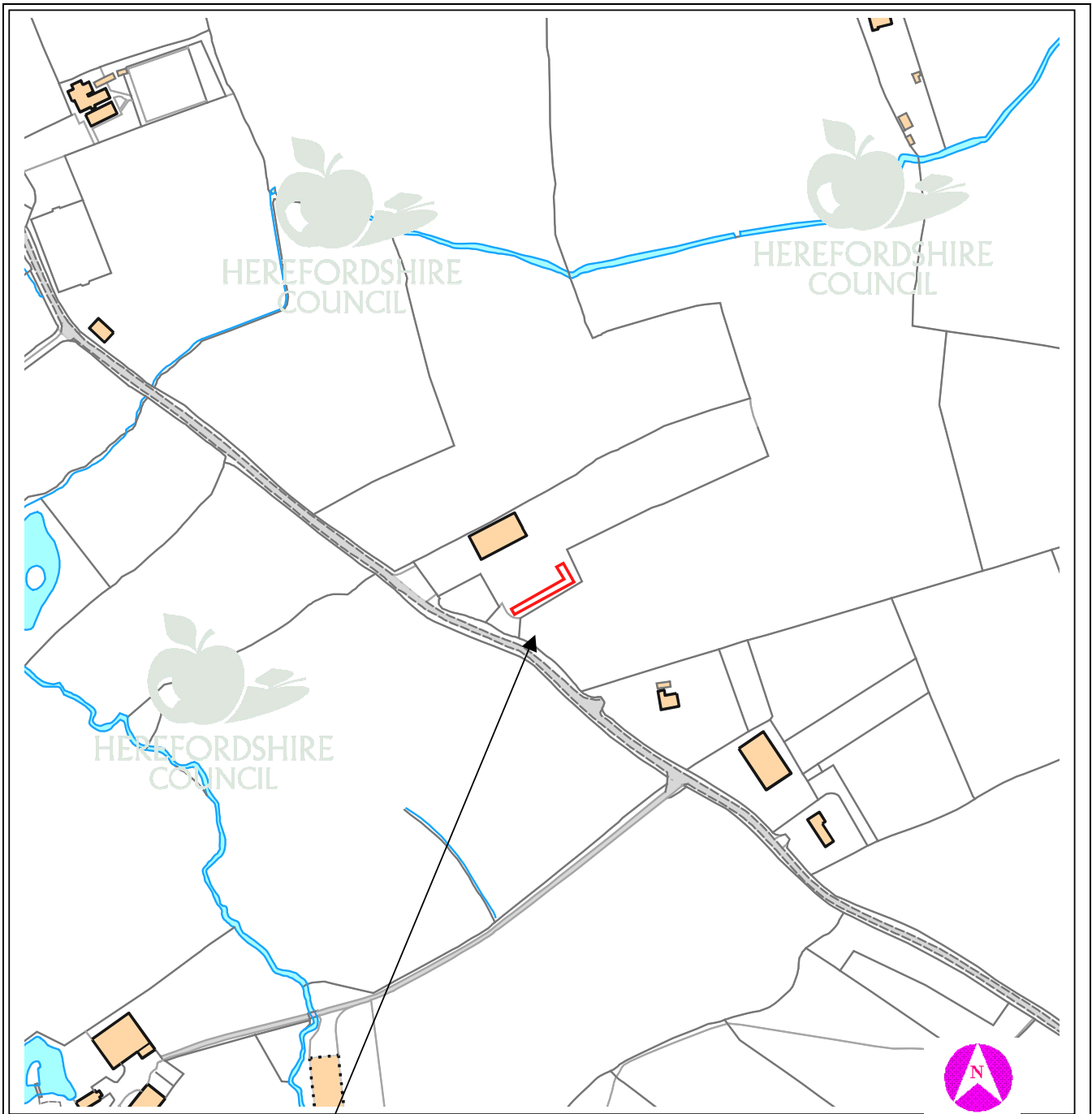
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCNC2009/0585/F

**SCALE :** 1 : 3500

**SITE ADDRESS :** The Beeches, Haynall Lane, Little Hereford, Ludlow, Shropshire, SY8 4BG

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