

MINUTES of the meeting of Northern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 1 July 2009 at 2.00 pm

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

Councillors: JP French, JHR Goodwin, KG Grumbley, B Hunt, RC Hunt, TW Hunt, TM James, PJ McCaull, R Mills, PM Morgan, RV Stockton, J Stone and JK Swinburne

In attendance: Councillor PGH Cutter

11. APOLOGIES FOR ABSENCE

Apologies were received from Councillors LO Barnett, WLS Bowen, ME Cooper, P Jones CBE, and RJ Phillips.

12. DECLARATIONS OF INTEREST

There were no declarations of interest made.

13. MINUTES

Councillor RC Hunt advised Members that he had asked for clarification as to whether a ICNIRP certificate had been issued for the antenna. Councillor JP French added that she had also requested that a benchmarking exercise be undertaken using results from a comparable antenna.

RESOLVED: That the minutes of the meeting held on 3 June 2009 be approved as a correct record and signed by the Chairman subject to the inclusion of the additional points raised above.

14. ITEM FOR INFORMATION - APPEALS

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

15. DCNW2009/0819/N - LAND TO THE SOUTH OF KINGTON OFF A4111 ADJACENT TO ARROW PLANT HIRE. KINGTON, HEREFORDSHIRE, HR5 3HB.

In accordance with the criteria for public speaking Mr Dudhill spoke in objection to the application and Mr Barber, the applicant, spoke in support.

Councillor TM James, the local ward member, noted the overwhelming support for the application from the local community. He noted that the applicants had held a two day consultation event at the Burton Hotel in Kington and that there had been no negative response during this time. He added that the local residents currently had to travel to Leominster to dispose of items which was not a satisfactory situation. He did however voice some concerns in respect of the opening hours and lighting, and asked that these aspects together with the landscaping issues be resolved in consultation with the Chairman and the

local ward member. He congratulated the case officer on a thorough and balanced report and moved the recommendation.

Councillor JP French endorsed the comments in respect of the quality of the report and she also felt that it would be beneficial to consult with the chairman and local ward member in respect of the details regarding landscaping, lighting and times of operation.

RESOLVED

That, subject to receipt of satisfactory arrangements for surface and foul drainage to the site and in consultation with the Environment Agency and statutory sewerage undertakers, the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary:

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

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

2 B01 (Development in accordance with the approved plans)

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy DR1 of Herefordshire Unitary Development Plan.

Pre-commencement Requirements:

3 No development shall take place until a scheme and plans showing final details for all surface and foul drainage have been submitted to and approved in writing by the local planning authority. This scheme shall include details of appropriate infrastructure, storage, filtering and interceptors and be generally in accordance with the details indicated by either Option 1 or Option 2 in the submitted Supporting Statement date stamped 27th April 2009, or such alternative scheme as may be prepared in consultation with and agreed by the Environment Agency, statutory sewerage undertakers, and/or the local authority Land Drainage Officer. The agreed arrangements shall be installed and implemented in accordance with the approved details unless otherwise agreed in writing in advance by the local planning authority.

Reason: To prevent pollution of the water environment and to ensure compliance with the requirements of DETR Circular 03/99 and policies S2, DR1, DR4, DR6 and CF2 of the Herefordshire Unitary Development Plan 2007.

4 G04 (Protection of trees/hedgerows that are to be retained)

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policies DR1 and LA5 of Herefordshire Unitary Development Plan.

5 C01 (Samples of external materials)

Reason: To ensure the materials harmonise with the surroundings and to ensure the development complies with the requirements of policy DR1 of the Herefordshire Unitary Development Plan 2007.

6 G09 (Details of Boundary treatments)

Reason: To ensure site security and in the interests of visual amenity, in accordance with policy DR1 of the Herefordshire Unitary Development Plan 2007.

7 E01 (Site investigation - archaeology)

Reason: To ensure that any archaeological interest of the site is recorded and to comply with the requirements of policies ARCH1 and ARCH6 of the Herefordshire Unitary Development Plan 2007.

8 No development shall take place until a detailed method statement for the routine assessment or air quality including monitoring and control of dust and windblown litter has been submitted to and approved in writing by the local planning authority. The scheme shall reflect the findings of the submitted Supporting Statement (April 2009) and include, in particular, evaluation of and/or provision for:

- i) Measures to assess, prevent and control dust and mud during the construction phase;**
- ii) The use of specified dust suppression measures as and when necessary during the operational phase;**
- iii) The regular review of the methodology for dust and litter control;**
- iv) Assessment of the need for and specification of litter-proof fencing, and measures to install if and when necessary;**
- v) Monitoring and control of vehicle emissions;**
- vi) Timescales for implementation of each element of the scheme.**

The scheme shall be implemented as approved unless otherwise agreed in writing in advance by the local planning authority.

Reason: To ensure that in the event that dust, mud and/or litter would affect either the site or the surrounding area it would be promptly and adequately controlled, in accordance with policies S1, S2, S10 and DR4 of the Herefordshire Unitary Development Plan 2007.

9 I33 (External lighting)

Reason: To safeguard the character and amenities of the area and to comply with Policy DR14 of Herefordshire Unitary Development Plan.

10 I02 (Scheme of measures for controlling noise)

Reason: In order to protect the amenity of occupiers of nearby properties so as to comply with Policy DR13 of Herefordshire Unitary Development Plan.

11 No development shall take place until a revised/finalised Habitat Enhancement and Landscape Scheme within the non-operational area of the site has been submitted to and approved in writing by the local planning authority. The scheme shall include in particular:

- i) A large scale revision of the submitted plan reference 807-01-02 dated April '09, to scale 1:200 or 1:500, to include details of new provisions for**

wildlife, and all planting and seeding proposals specifying locations, species, sizes, densities and planting numbers.

ii) Integrated and detailed proposals for specified wildlife habitat creation or enhancement for specified and agreed target species through planting, landform and other measures as appropriate.

iii) Specific details for screening to protect visual amenity.

iv) Details of cultivation, management and other operations associated with plant and habitat establishment, including provision for remediation and or replacement in the event of any plant failures.

v) Detailed timescales for implementation and completion of the entire scheme, and future management arrangements for these measures, in consultation with the Council's Planning Ecologist.

vi) Provision for review and a flexible approach in order to meet changing circumstances where necessary.

Reason: In the interests of the amenity of the area, to improve biodiversity, ensure a satisfactory form of development, and to ensure compliance with policies S1, S2, DR1, LA5, NC1 and NC6-NC8 of the Herefordshire Unitary Development Plan 2007.

12 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.

13 No development shall take place until a scheme for hard and soft landscaping within the operational area has been submitted to and approved in writing by the local planning authority. The details submitted should include:

i) Details of all proposed finished levels, contours and gradients for the final landform including sections and soil depths

iv) Specifications of materials and construction methods for all hard surfacing, including the proposed access road

v) Details and specifications of ancillary equipment including compactors

vi) Details and specifications of the car parking layout and other vehicular and pedestrian areas, including construction methods, materials and marking out

vii) Location of proposed functional services above and below ground (e.g. drainage, power, communications, pipelines etc)

vi) Timescales for completion of the scheme

The scheme shall be implemented in accordance with the approved details unless otherwise agreed in writing in advance by the local planning authority.

Reason: In order to maintain the visual amenity of the area, ensure a satisfactory form of development and to ensure compliance with policies S1, S2, DR1, LA5 and NC8 of the Herefordshire Unitary Development Plan 2007.

14 Development shall not begin until parking for site operatives and visitors has been provided within the application site in accordance with details to be submitted to and approved in writing by the local planning authority and such provision shall be retained and kept available during construction of the development.

Reason: To prevent indiscriminate parking in the interests of highway safety and to conform with the requirements of policy DR3 of the Herefordshire Unitary Development Plan 2007.

- 15 The development hereby permitted shall not be brought in to use until the access, turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained, and otherwise constructed in accordance with final details including revised road markings, to be submitted to and approved in writing by the local planning authority. These areas shall thereafter be retained and kept available for those uses at all times during the life of the development.**

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 the Herefordshire Unitary Development Plan 2007.

Restrictions:

- 16 F02 (Restriction on hours of delivery)**

Reason: To safeguard the amenities of the locality and to comply with Policy DR1 of Herefordshire Unitary Development Plan.

- 17 F03 (Restriction on hours of opening)**

Reason: In the interests of the amenities of existing residential property in the locality and to comply with Policy DR1 of Herefordshire Unitary Development Plan.

- 18 I16 (Restriction of hours during construction)**

Reason: To protect the amenity of local residents and to comply with Policy DR13 of Herefordshire Unitary Development Plan.

- 19 K4 (Nature Conservation - Implementation)**

Reason: 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.

- 20 M13 (Pollution prevention)**

Reason: To prevent pollution of the water environment and to comply with Policy DR10 of Herefordshire Unitary Development Plan.

- 21 M15 (Car park drainage)**

Reason: To prevent pollution of the water environment and to comply with Policy DR10 of Herefordshire Unitary Development Plan.

- 22 No waste materials shall be transported from the site unless they are contained within sealed or covered vehicles.**

Reason: In the interests of highway safety, to safeguard the amenity of the area, and to comply with policies S1, S2, DR1, DR4, T8 and W3 of)

23 Unless otherwise agreed in writing by the local planning authority, within 6 months of the site permanently ceasing to be used as a Household Waste Site, the applicant or his successor shall submit proposals for the restoration of the site. The restoration scheme shall include in particular:

- i) Details of any structures or works that are to be retained, and a reasoned justification for retaining them.**
- ii) The dismantling, removal and sustainable disposal of all other introduced materials, hardstandings, buildings, tanks, containers, bays and equipment that are not specified for retention.**
- iii) Re-profiling of all bunds and other earthworks.**
- iv) Reclamation of the site to agriculture or nature conservation.**

Reason: To ensure the site is capable of future beneficial use, in accordance with policies S1, S2 and W9 of the Herefordshire Unitary Development Plan 2007.

INFORMATIVES

- 1 N15 - Reason(s) for the Grant of Planning Permission**
- 2 N19 - Avoidance of doubt - Approved Plans**
- 3 Operation of an HWS would be controlled by an Environmental Permit. The requirements of this permit would include comprehensive measures to prevent pollution of the environment, for example from dusts and odour emissions.**
- 4 N11A - Wildlife and Countryside Act 1981 (as amended) - Birds**
- 5 N11C - Genera**
- 6 ND03 - Contact Address**
- 7 HN01 - Mud on highway**
- 8 HN04 - Private apparatus within highway**
- 9 HN05 - Works within the highway**
- 10 HN10 - No drainage to discharge to highway**
- 11. HN16 - Sky glow**
- 12 HN28 - Highways Design Guide and Specification**
- 13 Developers should incorporate pollution prevention measures to protect ground and surface water. The Environment Agency has produces a range of guidance notes giving advice on statutory responsibilities and good environmental practice which include Pollution Prevention Guidance Notes (PPGs) targeted at specific activities. These can be viewed at:

[http@//www.environmentagency.gov.uk/business/topics/pollution/39083.aspx](http://www.environmentagency.gov.uk/business/topics/pollution/39083.aspx)**
- 14 With regard to the requirements of condition 3, priority should be given to the consideration of Sustainable Urban Drainage Sysems (SUDS), and take**

account of the likely impacts of climate change, in consultation with the Environment Agency.

16. DCNE2009/0883/F - PROPOSED BOARDING KENNELS AND CATTERY AT ACTON MILL FARM, SUCKLEY, WORCESTER, HEREFORDSHIRE, WR6 5EJ.

In accordance with the criteria for public speaking Mr Wall and Mr Dovey spoke in objection to the application, and Mrs Hooper, the applicant, spoke in support.

In response to comments raised by the public speakers, the Northern Team Leader advised that the issue of noise could be classed as a material planning consideration but he added that the environmental health officer was satisfied that granting the application would not cause a noise nuisance to the neighbouring residents.

Councillor PM Morgan, the local ward member, felt that the Council should support farm diversification although she noted the concerns of the local residents in respect of noise issues on the site. She added that the traffic movements appeared to be low and that the Environmental Health Officer had not objected to the application. She noted that the application also included an acoustic wall, she felt that this together with the location of the kennels would alleviate any noise concerns of the local residents.

RESOLVED

That planning permission be granted subject to the following conditions:

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

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

2 B01 (Development in accordance with the approved plans)

Reason. To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy DR1 of Herefordshire Unitary Development Plan.

3 H03 (Visibility splays)

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

4 H06 (Vehicular access construction)

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

5 Before development commences a drawing scaled at 1:50 detailing the construction of the acoustic wall shall be submitted to and be approved in writing by the Local Planning Authority.

Reason: In order to protect the amenity of occupiers of nearby properties so as to comply with Policy DR13 of Herefordshire Unitary Development Plan.

6 The building shall be enclosed with sound insulating materials in accordance with a scheme to be submitted to and approved in writing by

the Local Planning Authority prior to the commencement of use hereby permitted.

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

7 I24 (Standard of septic tank/soakaway system)

Reason: To prevent pollution of the water environment and to comply with Policy DR4 of Herefordshire Unitary Development Plan.

Informatives

- 1 HN01 - Mud on highway**
- 2 HN05 - Works within the highway**
- 3 HN28 - Highways Design Guide and Specification**
- 4 N15 - Reason(s) for the Grant of Planning Permission**
- 5 N19 - Avoidance of doubt - Approved Plans**

17. DCNE2009/0662/F - KNAPP FARM, PIXLEY, LEDBURY, HEREFORDSHIRE, HR8 2QB

In accordance with the criteria for public speaking Mr Thwaites and Mr Mawby, two neighbouring residents, spoke in objection to the application and Mr Davison, the applicant, spoke in support.

Councillor PM Morgan, the local ward member, felt that a site visit may be beneficial for members. She therefore proposed a site visit on all three grounds.

The Principal Planning Officer confirmed that an application had been received for polytunnels on the site and felt that members may wish to view this application site at the same time.

RESOLVED

That consideration of the application be deferred for a site inspection for the following reasons:

- **the character or appearance of the development itself is a fundamental planning consideration;**
- **a judgement is required on visual impact;**
- **the setting and surroundings are fundamental to the determination or to the conditions being considered.**

18. DATE OF NEXT MEETING

29 July 2009.

The meeting ended at 3.00 pm

CHAIRMAN