

AGENDA

Northern Area Planning Sub-Committee

Date: **Wednesday 1 July 2009**

Time: **2.00 pm**

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

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

For any further information please contact:

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

Membership

Chairman	Councillor JW Hope MBE
Vice-Chairman	Councillor PJ Watts
	Councillor LO Barnett
	Councillor WLS Bowen
	Councillor ME Cooper
	Councillor JP French
	Councillor JHR Goodwin
	Councillor KG Grumbley
	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

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

		Pages
1.	APOLOGIES FOR ABSENCE To receive apologies for absence.	
2.	DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the Agenda.	
3.	MINUTES To approve and sign the Minutes of the meeting held on 3 June 2009.	1 - 6
4.	ITEM FOR INFORMATION - APPEALS To be noted.	7 - 10
APPLICATIONS RECEIVED		
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.		
5.	DCNW2009/0819/N - LAND TO THE SOUTH OF KINGTON OFF A4111 ADJACENT TO ARROW PLANT HIRE. KINGTON, HEREFORDSHIRE, HR5 3HB. Proposed development of a household waste site to serve Kington and the surrounding area.	11 - 30
6.	DCNE2009/0883/F - PROPOSED BOARDING KENNELS AND CATTERY AT ACTON MILL FARM, SUCKLEY, WORCESTER, HEREFORDSHIRE, WR6 5EJ. Proposed boarding kennels and cattery.	31 - 38
7.	DCNE2009/0662/F - KNAPP FARM, PIXLEY, LEDBURY, HEREFORDSHIRE, HR8 2QB Proposed use of yard at Knapp Farm for the storage and distribution of polytunnel components and other agricultural items ancillary to the permitted manufacturing process.	39 - 48
8.	DATE OF NEXT MEETING 29 July 2009	

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- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- 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.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
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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 3 June 2009 at 2.00 pm

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

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

ELECTION OF CHAIRMAN AND APPOINTMENT OF VICE-CHAIRMAN

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

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

RESOLVED THAT

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

1. APOLOGIES FOR ABSENCE

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

2. DECLARATIONS OF INTEREST

There were no declarations of interest made.

3. MINUTES

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

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

4. ITEM FOR INFORMATION - APPEALS

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

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

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

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

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

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

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

RESOLVED

That planning permission be granted subject to the following conditions:

1 F26 (Personal condition)

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

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

2 F06 (Restriction on Use)

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

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

3 F01 (Restriction on hours of working)

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

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

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

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

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

5 I15 (Scheme of noise insulation)

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

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

6 G10 (Landscaping scheme)

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

Soft landscaping

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

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

Hard landscaping

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

b) Hard surfacing materials

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

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

7 G11 (Landscaping scheme – implementation)

The landscaping scheme approved under condition 6 (as shown on the approved plan) shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion of the development. The landscaping shall be maintained for a period of 5 years. During this time, any trees, shrubs or other plants which are removed, die or are seriously retarded shall be replaced during the next planting season with others of similar sizes and species unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until

the end of the 5-year maintenance period.

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

Informatives:

- 1 N15 – Reason(s) for the Grant of Planning Permission
 - 2 N19 – Avoidance of doubt – Approved Plans
6. **DCNW2009/0815/F - 2 MORTIMER DRIVE, ORLETON, LUDLOW, HEREFORDSHIRE, SY8 4JW.**

Proposed conservatory.

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

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

RESOLVED

That planning permission be granted subject to the following conditions:

- 1 **A01 (Time limit for commencement (full permission))**
Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
- 2 **C02 (Matching external materials (extension))**
Reason: To ensure the external materials harmonise with the existing building so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.
- 3 **G09 (Details of Boundary treatments)**
Reason: In the interests of visual amenity, to ensure the development has an acceptable standard of privacy and to conform to Policy DR1 of Herefordshire Unitary Development Plan.

Informatives:

- 1 N15 - Reason(s) for the Grant of Planning Permission
 - 2 N19 - Avoidance of doubt
7. **DCNC2009/0453/F - 35 PINSLEY ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8NW.**

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

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

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

Councillor RC Hunt, one of the Local Ward Members, said that he had serious concerns about the application. He said he felt that the antenna would be placed too close to existing dwellings. He said that he was very concerned with the objections received from network rail and could not support the application.

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

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

RESOLVED:

THAT consideration of the application be deferred to allow further examination of the health and safety and other issues raised issues surrounding the operation of such an antenna.

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

Proposed agricultural livestock building.

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

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

RESOLVED

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

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

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

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

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

INFORMATIVES:

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

2 - N19 – Avoidance of doubt

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

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

Councillor J Stone, the Local Ward Member, said that the concerns of the Parish Council had been addressed in the officer's report and he was therefore happy to support the application.

RESOLVED

That planning permission be granted subject to the following conditions:

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

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

- 2 The external colour of the side and roof cladding shall match that on the roof of the existing building unless otherwise first agreed in writing by the local planning authority.

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

INFORMATIVES:

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

- 2 N19 - Avoidance of doubt - Approved Plans

10. DATE OF NEXT MEETING

1 July 2009

The meeting ended at 2.45 pm

CHAIRMAN

ITEM FOR INFORMATION - APPEALS

APPEALS RECEIVED**Application No. DCNE2008/2563/F**

- The appeal was received on 8th June 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 R.J. & R.J. Clay & Co
- The site is located at Middle Court Bridge, Monkhide, Ledbury, Herefordshire, HR8 2TX
- The development proposed is Proposed agricultural workers dwelling.
- The appeal is to be heard by Hearing

Case Officer: Carl Brace on 01432 261795**Application No. DCNC2009/0223/F**

- The appeal was received on 20th 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 A. Morris
- The site is located at Slipstone Cottage, Bringsty, Worcester, Herefordshire, WR6 5TE
- The development proposed is Change of use of an existing modern outbuilding for storage and maintenance of specialist vehicles.
- The appeal is to be heard by Written Representations

Case Officer: Andrew Banks on 01432 303085**Application No. EN2009/0038/ZZ**

- The appeal was received on 18th May 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 L Llewelin & T Hickin
 - The site is located at Cosy Cottage, Green Lane, Lower Eggleton, HR8 2UH
- The breach of planning control alleged in this notice is ""Without planning permission the siting of a mobile home used for residential purposes".
- The requirements of the notice are: Remove the mobile home from the land and permanently cease the residential use of the land
 - The appeal is to be heard by Written Representations

Case Officer: Roland Close on 01432 261803**Application No. DCNW2009/0345/F**

- The appeal was received on 18th 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 & Mrs D & S Wilcox
- The site is located at Woodpecker Farm, Cobnash, Kingsland, Leominster, Herefordshire, HR6 9QZ

- The development proposed is Proposed demolition of porch, side structure and erection of two storey extension, alterations to windows, replacement roof on outbuildings and garage and replacement garage doors
- The appeal is to be heard by Written Representations

Case Officer: Andrew Banks 01432 303085

Application No. DCNC2009/0251/F

- The appeal was received on 4th June 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 D Powell
- The site is located at Lever Hill Farm, Kimbolton, Leominster, Herefordshire, HR6 0HJ
- The development proposed is Variation of condition imposed on DCNC2006/1863/F.
- The appeal is to be heard by Hearing

Case Officer: Nigel Banning on 01432 383093

Application No. DCNC2008/2482/F

- The appeal was received on 9th June 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 R Sayce
- The site is located at Little Wacton Farm, Bredenbury, Bromyard, Herefordshire, HR7 4TQ
- The development proposed is Proposed garage (retrospective) revised height and windows.
- The appeal is to be heard by Written Representations

Case Officer: Andrew Banks on 01432 383085

APPEALS DETERMINED

Application No. DCNW2008/1741/F

- The appeal was received on 4 December 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 JR Homes Ltd
- The site is located at Old Wesleyan Chapel, Harpyard, High Street, Kington, Herefordshire, HR5 3BJ
- The application, dated 23 June 2008, was refused on 22 October 2008
- The development proposed was Proposed conversion into nine apartments, including new stair tower.
- The main issue was whether the proposed number of apartments and lack of any associated private/communal amenity space would represent an over-intensive form of development that would be detrimental to the amenities of future occupiers of the building.

Decision: The application was refused by Committee, contrary to Officer Recommendation on 22 October 2008

The appeal was **ALLOWED** on 22 May 2009

Case Officer: Julia Shields on 01432 383088

Application No. DCNW2008/1742/L

- The appeal was received on 4 December 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 JR Homes Ltd
- The site is located at Old Wesleyan Chapel, Harpyard, High Street, Kington, Herefordshire, HR5 3BJ
- The application, dated 23 June 2008, was refused on 22 October 2008
- The development proposed was Proposed conversion into nine apartments, including new stair tower.
- The main issue is whether it would be premature to grant consent for the proposed works, having regard to the acceptability of the planning appeal scheme

Decision: The application was refused by Committee, contrary to Officer Recommendation on 22nd October 2008

The appeal was **ALLOWED** on 22 May 2009

Case Officer: Julia Shields on 01432 383088

Application No. DCNW2008/1939/F

- The appeal was received on 25 February 2009
- 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 M Davis
- The site is located at Yatton Hill Cottage, Aymestrey, Leominster, Herefordshire, HR6 9TP
- The application, dated 9 July 2008, was refused on 11 September 2008
- The development proposed was Extension to existing dwelling.
- The main issue is the acceptability of the proposal having regard to the planning policies governing development of this type in this location

Decision: The application was refused under Delegated Powers on 11 September 2008

The appeal was **DISMISSED** on 18 May 2009

Case Officer: Philip Mullineux on 01432 261808

Application No. DCNE2008/1843/F

- The appeal was received on 27 November 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 PJ Young
- The site is located at Mathon House, -, Mathon, Malvern, Herefordshire, WR13 5PW
- The application, dated 4 July 2008, was refused on 4 September 2008
- The development proposed was Proposed single storey extension.
- The main issue is the effect of the proposed on the character and appearance of the original building.

Decision: The application was refused under Delegated Powers on 4th September 2008

The appeal was **ALLOWED** on 12 May 2009

Case Officer: Carl Brace on 01432 261795

Application No. DCNC2008/1351/F

- The appeal was received on 21 October 2009
- 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 Charlbury Building Co Ltd.
- The site is located at Land to the rear of the Nook, -, Etnam Street, Leominster, Herefordshire.
- The application, dated 31 March 2008, was refused on 27 August 2008
- The development proposed was Proposed terrace of six cottages.
- The main issues are (a) whether the proposal would preserve or enhance the character or appearance of the Leominster Conservation Area; (2) whether the proposal makes adequate provision for the infrastructure, services, facilities and amenities requirements of the development.

Decision: The application was refused under Delegated Powers on 27 August 2008
The appeal was **DISMISSED** on 8 May 2009

Case Officer: Nigel Banning on 01432 383093

Application No. DCNE2008/1465/F

- The appeal was received on 20 January 2009
- 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 R. Jones
- The site is located at Fox Lane, Ledbury, Herefordshire.
- The application, dated 4 April 2008, was refused on 25 July 2008
- The development proposed was Proposed removal of garages and replace with five town houses.
- The main issues are the effects on the Ledbury Conservation Area and on the dwelling Dado Cottage; highway safety; the adequacy of cycle parking; privacy and private amenity space for future occupiers; and overlooking of 58 The Homend.

Decision: The application was refused under Delegated Powers on 25 July 2008
The appeal was **DISMISSED** on 20 May 2009

Case Officer: Roland Close on 01432 261803

Application No. EN21008/0105/ZZ

- The appeal was received on 16 January 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 Mrs CJ Chadney
- The site is located at Land at R/o 4 Rundlemead The Stables, Mathon
- The breach of planning control alleged in this notice is "Without planning permission, the material change of use of land for the keeping and exercising of horses to a mixed use for the keeping and exercising of horses and the storage of a mobile home"
- The requirements of the notice are: Permanently remove the mobile home
- Permanently remove any materials/service connections resulting from the removal of the mobile home from the land
- Following the removal of the mobile home restore the land to its former condition by re-seeding it.

Decision: The appeal was **WITHDRAWN** on 21 May 2009

Case Officer: Roland Close on 01432 261803

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

5 DCNW2009/0819/N - PROPOSED DEVELOPMENT OF A HOUSEHOLD WASTE SITE TO SERVE KINGTON AND THE SURROUNDING AREA ON LAND TO THE SOUTH OF KINGTON OFF A4111 ADJACENT TO ARROW PLANT HIRE. KINGTON, HEREFORDSHIRE, HR5 3HB.

For: Mercia Waste Management, Per Axis 5, Camellia House, 76 Water Lane, Wilmslow, Cheshire, SK9 5BB.

Date Received: 1st May 2009 Ward: Kington Town Grid Ref: 30187, 55932

Expiry Date: 31st July 2009

Local Member: Councillor TM James

1. Site Description and Proposal

1.1 The application site lies approximately 500 metres south of the roundabout junction between the A44 and the A4111 at Kington. A plant hire premises adjoins the site to the north. The site and land adjoining it to the south is currently under pasture. Banley Farm is the nearest residential property, to the west. Beyond, approximately 200m from the site boundary, is a group of houses in Kingswood Road.

1.2 The proposal is to construct a dedicated 'bring site' for householders to deposit unwanted items for recycling or disposal. The capacity of the site would total about 4,000 tonnes of Municipal (household) Waste per year. The overall site area is 0.8 ha. The operational area would be approximately 0.5 ha with the remainder forming necessary landscaping. The development would comprise the following:

- Hardstanding process area;
- Internal roadway and capacity for up to 20 visiting cars for unloading;
- Brick-built office/welfare building, 7.6m x 3.4m x 3.6m high (to the ridge)
- Staff/visitor parking: 3 spaces including 1 for people with disabilities;
- Two compactors: 1 for green waste management and 1 for mixed waste;
- Containers and bays for a wide range of recyclable and other wastes;
- Internal site lighting and signage;
- Perimeter fencing and landscaping
- Infrastructure including drainage.

The segregated waste types that would be accepted include the following:

Scrap metal	Card	Wood
Soil/rubble	Glass	Paper
Cans	Plastics	Electrical goods
Shoes and textiles	Batteries	Phones
Gas cyclinders	Oils and fats, paint	Fluorescent tubes
Green waste	Mixed waste	Furniture

1.3 Access would be from the A4111, utilising an existing modern road junction and creating a new internal road system with split-level unloading bays and a one-way system. There is also existing pedestrian/cycle access to the site from Kington.

Further information on the subject of this report is available from Mrs D Klein on 01432 260136

- 1.4 The site would be open to the public from 8 a.m. to 6 p.m. on three days per week; Saturdays, Sundays and one weekday (Friday has been suggested). It would be operational seven days a week for waste management processes, site cleaning and maintenance.
- 1.5 The application was given the required publicity by press notice in the Hereford Times on 14th May 2009; by site notice on 7th May 2009, and written notification to neighbours on 2nd May 2009.
- 1.6 Prior to making the application, the applicants requested a determination as to whether the development would fall within the scope of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. The Council's formal Screening Opinion was issued on 15th December 2008 and stated that a full Environmental Statement (ES) would not be required because the proposal would fall below the thresholds set and the site would not be in a 'sensitive location'.
- 1.7 Nevertheless the submitted application includes a full and comprehensive Supporting Statement. This comprises a number of environmental and other assessments, to the same extent and level of detail that would have been required if a formal ES had been necessary. These are summarised as follows:
- Design and Access Statement : Clarifies the design parameters, in terms of traffic management within the site, the scale and size of the proposal, methodology for waste management, landscaping, general details for security, fencing and lighting, and equitable access arrangements taking account of the needs of people with disabilities.
 - Non-technical summary : Summarises the proposal, including its background and history, in non-technical language.
 - Supporting Statement: Gives full details of the project's background, detail description of the proposal, results of pre-application consultations, policy context and appraisal, alternatives considered and the criteria used, and a series of sections on the key environmental considerations.
 - Figures and Appendices: Wherever further data or technical details are necessary to provide an evidence-base for the environmental and other topics discussed in the Supporting Statement, this is referred on to the appendices. This technique allows the main points to be kept succinct and together, whilst allowing for the further information that would be needed by different professional consultees in considering the case. For example, the supporting statement includes an archaeological evaluation based upon a preliminary field and desk-based assessment, the report of which is contained within the appendices.
- 1.8 The applicant held a two-day public meeting and exhibition at the Burton Hotel, Kington, on 9th and 10th December 2008 to explain the proposals and plans and engage with neighbours. The applicant publicised the event through local notices and press advertisements, and about 60-70 visitors attended. Comments on the day are reported as generally positive, acknowledging the need for such a facility in Kington. The applicant has undertaken to follow up any concerns with further dialogue as necessary. This accords with the Council's Statement of Community Involvement.

2. Policies

National Planning Policy:

- 2.1 PPS 1 - Delivering sustainable development
 PPS 7 - Sustainable development in rural areas

- PPS10 - Sustainable waste management
- PPS23 - Planning and Pollution Control
- Waste Strategy 2007

Regional Planning Policy

- 2.2 West Midlands Regional Spatial Strategy adopted June 2004:
- WD1 - Targets for waste management in the Region
 - WD2 - The need for waste management facilities by Sub-Region
 - WD3 - Criteria for the location of waste management facilities;
- Emerging Policies W1, W2, W5, W6, W7 in the phase two revision draft preferred options paper December 2007 as yet unadopted.

Herefordshire Unitary Development Plan 2007

- 2.3
- S1 - Sustainable Development
 - S2 - Development requirements
 - S6 - Transport
 - S7 - Natural and Historic Heritage
 - S10 - Waste
 - DR1 - Design
 - DR2 - Land use and activity
 - DR3 - Movement
 - DR4 - Environment
 - DR6 - Water resources
 - DR7 - Flood risk
 - DR9 - Air quality
 - DR11 - Soil quality
 - DR13 - Noise
 - DR14 - Lighting
 - E7 - Other employment proposals, Hereford and the market towns
 - E8 - Design standards for employment sites
 - E11 - Employment proposals, smaller settlements and open countryside
 - E15 - Protection of greenfield land
 - T8 - Road hierarchy
 - T9 - Road freight
 - T11 - Parking provision
 - LA2 - Landscape character
 - LA5 - Protection of trees, woodlands and hedgerows
 - LA3 - Settings of settlements
 - LA6 - Landscaping schemes
 - NC1 - Biodiversity and development
 - NC5 - European and nationally protected species
 - NC6 - Biodiversity Action Plan priority habitats and species
 - NC7 - Compensation for loss of biodiversity
 - NC8 - Habitat creation, restoration and enhancement
 - NC9 - Management of features of the landscape important for fauna and flora
 - ARCH1 - Archaeological assessments and field evaluations
 - ARCH6 - Recording of archaeological remains
 - W1 - New waste management facilities
 - W3 - Waste transport and handling
 - W9 - Reclamation, aftercare and after-use
 - CF2 - Foul drainage
 - CF5 - New community facilities

Other material considerations

- Herefordshire and Worcestershire Joint Waste Management Strategy 2004-2034
- Herefordshire Council Corporate Plan 2008-2011
- Community Strategy for Herefordshire 'A Sustainable Future for the County' – Herefordshire Partnership, 2006
- DETR Circular 03/99 Planning requirement in respect of the Use of Non-Mains Sewerage incorporating Septic Tanks in New Development

3. Planning History

- 3.1 None recorded on the site. Three applications, in 1994, 1995 and 1998 relating to the Arrow Plant Hire site adjoining and previous uses.

4. Consultation SummaryStatutory Consultations

- 4.1 **Environment Agency:** No objection in principle, subject to recommended conditions being imposed. Comments are summarised as follows:

- The site lies within flood zone 1 (lowest risk) and is not within a Source Protection Zone.
- Arrangements for foul drainage must be confirmed prior to determination of the application, in accordance with Circular 03/99 and PPS23.
- On surface water, standing advice for sites of less than 1 ha and in flood zone 1 would apply.
- The Agency would be the regulating body for this development, through the Environmental Permitting Regulations (EPR). PPS10 and PPS23 state that unnecessary duplication of control by the planning system should be avoided.
- Conditions recommended to prevent pollution and protect ground/surface waters from liquid wastes and run-off, through sealed, impermeable surfaces and containment
- The site would be controlled by the Environment Agency through an Environmental Permit (EP). The Supporting Statement adequately confirms the likely requirements of an EP, for example on dust and odour emission, in terms of mitigation and applying Best Available Techniques to reduce impacts.

- 4.2 **Herefordshire Primary Care Trust:** Were consulted in accordance with PPS10, with regard to any possible health risks from the development. Any response will be reported to the Committee.

- 4.3 **Hereford & Worcester Fire Service:** Any response will be reported to the Committee.

Internal Council Advice

- 4.4 **Head of Environmental Health and Trading Standards:**

Environmental Services Manager: No objection.

Petroleum and Explosives Officer: Does not wish to comment on this application.

- 4.5 **Transport Manager:** The proposal is acceptable. Conditions are recommended, to secure the access, turning and parking areas in accordance with appropriate specifications.

- 4.6 **Conservation Manager:**

Landscape Officer: The need for such a facility and the difficulties in identifying a suitable site are recognised. The loss of open land should be mitigated as far as possible, through submission of a suitable landscaping and biodiversity enhancement scheme. This should cover all the available land within the site boundary, include appropriate screening to reduce visual impact, and specify the scheme's implementation. The submitted indicative landscape design should be built upon, to create agreed/specified habitats in consultation with the Council and conservation consultants.

Planning Ecologist: The submitted ecological report is acceptable, and its recommendations should be secured by condition. Submission of a full habitat enhancement and management scheme should be required, along with details for its implementation, in accordance with policies NC6, NC7, NC8 and NC9 of the UDP.

4.7 **County Archaeologist**: No objection, subject to an initial site investigation scheme.

4.8 **Waste Services Manager**: Supports a Household Waste Site in Kington. Currently there is no such amenity in the area so it will benefit residents who currently have to travel to the nearest site in Leominster. A new facility will also divert more waste from landfill through increased recycling & recovery.

5. Representations

5.1 Kington Town Council: General support to the proposed development.

5.2 Kington Rural Parish Council: No objections; the Council believes the proposal will serve residents in Kington and surrounding areas.

5.3 Lyonshall Parish Council: Is supportive of the provision of a local waste facility.

5.4 Two letters from local residents have been received and are summarised below.

i) Mr P Jones, Director of Arrow Plant and Tool Hire Ltd, Eardisley Road, Kington raises the following concerns:

- Our property would be devalued
- The site would attract illegal fly-tipping at the gate
- The site would attract vermin
- We will be adversely affected by obnoxious odours.

ii) Mr S Dudhill, Mount Pleasant, Kingswood, Kington strongly objects for the following reasons:

- Lack of need - proposal is based on policies which evolved more than five years ago; the site would only be open for three days a week. No evidence to support the idea that Kington residents have to take their waste to Leominster.
- Inappropriate location - greenfield site outside of Kington; this breaches policies to protect the countryside; alternative sites exist closer to the centre of Kington; the site does not provide an incentive for people to visit the town and shop as part of a linked trip.
- Scheme is car-based - The 15-minute catchment overlaps with Leominster.
- Visual impact - the site would be lit during hours of darkness; it would have significant visual impact to passers-by on the A4111. This is not the image that ought to be presented as visitors approach the town.

- No guarantee of retention of the current recycling arrangements at the Co-op carpark.
- Suggestions offered for changes to the site size, opening hours, landscaping etc.

5.5 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 concept of providing a local facility at Hereford and each of the market towns has long been accepted as a desirable element of the county's waste management strategy. Kington is the final such town to receive a proposal. There is currently no such provision in the west of the county and householders in this area must travel to Leominster or Hereford to recycle or dispose of bulky items and those waste types not accepted at local skip banks or by kerbside collections.

6.2 This proposal requires an Environmental Permit from the Environment Agency – which could only be granted if the site were capable of complying with the appropriate Regulations. The Agency would control the site with full enforcement powers and the site could not be operated if compliance were not achieved. On this basis, Committee Members are invited to determine the application entirely on its planning merits. In this regard, the key issues are:

- Principle of the development and need for the facility;
- Site choice and alternatives considered;
- Land use and policy issues;
- Access and traffic;
- Air quality (including odour, dust and litter);
- Biodiversity;
- Landscape and visual impact;
- Archaeology;
- Drainage, water quality, pollution prevention and flood risk;
- Lighting and noise;

6.3 As with any proposal, this application must be determined in accordance with the provision of the current Development Plan unless material considerations indicate otherwise. Government policy statements PPS10 and PPS23 are in force and currently carry most weight; the waste element of the Regional Spatial Strategy (RSS) is relevant but under review; the Herefordshire Unitary Development Plan 2007 (UDP) remains in force but is under review with the preparation of the Core Strategy for the Local Development Framework (LDF); the waste section is at a very early stage. The Joint Municipal Waste Strategy (with Worcestershire) is also under review.

Principle of the development and need for the facility

6.4 The Waste Strategy 2007 translates EU legislation into UK requirements, currently seeking phased significant reductions in the amounts of waste going to landfill, reducing the amounts sequentially until 2020 using a baseline of 1995 published figures. Reducing quotas set the amount of waste going to landfill, as landfill tax increases - estimated as rising to £72 per tonne by 2011. The applicant seeks to complete the suite of existing similar sites across the county and contribute to the required reduction of landfill through re-use, recycling and composting. In this respect, the proposal constitutes a strategic environmental gain.

6.5 The Joint Municipal Waste Strategy represents Herefordshire and Worcestershire's framework for waste management until 2034 and includes a commitment to establishing a site at Kington (paragraph 5.5.4). The application states that in the year ending August 2008, a combined total

of around 28,000 tonnes of household waste was received by the other sites, of which 71% was recycled or composted.

6.6 PPS10 explicitly dropped the concept of Best Practical Environmental Option (BPEO), although it partially survives, as 'Sustainability Appraisal' (SA). RSS policy WD3 and UDP policy S10 refer to it but PPS10 postdates them. Nonetheless, the proposal would accord with the three key principles of BPEO, namely the Waste Hierarchy, the Proximity Principle and the contribution to regional/local self-sufficiency, in that:

- It would contribute to waste reduction and recycling
- It would be close to Kington and local villages, with good access to a major road
- It would improve Herefordshire's waste management credentials

6.7 In relation to the principle of, and need for, the development proposed your officers consider that this matter is satisfactorily addressed by the application.

Site choice and alternatives considered:

6.8 Planning permission was granted in 2000 under reference NW2000/1991/N for a Household Waste Site (HWS) at Hatton Gardens, within Kington but on its eastern fringe. The permission was renewed in 2006 (reference NW2006/0030/N) but has not been implemented due to site inadequacy in terms of size, changing legislation, site requirements and traffic implications. The applicant has also cited insurmountable commercial difficulties relating to site acquisition. There was considerable local opposition to that site from residents. The Hatton Gardens/Sunset area is the only allocated industrial land in Kington, apart from Hergest Camp in open countryside some 3 kilometres from the town centre.

6.9 The applicant set a series of search criteria. For consideration, a site should be:

- Within or near to Kington
- For preference a brownfield or industrial site, if available
- About 1 hectare in size and of a regular shape
- Readily accessible to the main road network
- Outside of flood plain or flood risk areas
- Away from designated heritage/conservation/protected sites, areas and landscapes
- Commercially available (bearing in mind the public cost)

The Hatton Gardens site fulfils some of these criteria but at 0.23 ha it fails on size, and also on availability. Hergest Camp fails on access and road network issues. The applicant has not found any other sites that fit with all the above criteria. In particular, matters of availability and the preference for a brownfield site have proved negative.

6.10 In relation to site choice and related criteria, your officers accept the applicant's reasoning and consider that this matter is satisfactorily addressed by the application.

Land use and policy issues:

6.11 The site comprises previously undeveloped agricultural land in open countryside. The application includes a detailed policy appraisal and your officers consider that a brief analysis of selected relevant policies would be helpful in this instance.

6.12 **PPS10: Sustainable Waste Management**, is a key consideration for this application. Paragraph 5 stresses that in determining planning applications local authorities should work effectively with pollution control authorities and avoid duplication of controls under planning and

pollution control regimes. The Companion Guide to PPS10 makes it clear that proposals on sites not previously allocated for waste management facilities should not be lost on that basis, provided they can comply with PPS10 and current local policies. PPS10 therefore requires a favourable consideration where proposals accord with policy.

- 6.13 **PPS23: Planning and Pollution Control**, offers further advice on the relationship between the various regulatory agencies and the role of the planning system in determining suitable locations for development. Paragraph 15 states: *'Local planning authorities must be satisfied that planning permission can be granted on land-use grounds taking full account of environmental impacts. This will require close co-operation with the Environment Agency and/or pollution control authority, and other relevant bodies, to ensure that the relevant pollution control authority is satisfied that potential releases can be adequately regulated under the pollution control framework'*
- 6.14 **PPS7: Sustainable development in rural areas:** Key principles are mainly concerned with buildings, focussing on sustainability including social inclusion, environmental protection, prudent resource use and economic growth. In principle the proposal would be supported by several of these points.
- 6.15 **Regional Spatial Strategy (RSS):** Policies **WD1(Targets for waste management in the Region)** and **WD2 (The need for waste management facilities by Sub-Region)** both support the proposal. **Policy WD3 - Criteria for the location of waste management facilities**, is the principal relevant regional policy. It sets criteria for the location of waste management facilities, having regard to proximity, environmental and amenity principles and consistency with Best Practicable Environmental Option (BPEO). It also requires that *'consideration should be given to the potential advantages of making provision for waste management in the form of small scale facilities ... integrated into the local setting'*. The applicant considers that the proposal would be a considerable improvement in services for residents of Kington and surrounding villages. As Members are aware, the RSS is currently under review; however the proposal would not conflict with the draft revision policies W1, W5, W6 and W7.
- 6.16 **Herefordshire Unitary Development Plan 2007 Policy S10, Waste:** requires proposals to conform to BPEO. It sets targets for increasing recycling and reducing landfill and allows for flexibility in considering particular proposals. The proposal complies with these.
- 6.17 **Herefordshire Unitary Development Plan 2007 Policy W1, New Waste Management Facilities:** applies to 'Planning applications for new waste management facilities which do not fall into Class B1 or B2'. This policy carries the most weight in consideration of the proposal, and does not require waste management facilities to be sited within settlement boundaries. It uses a sequential test involving primary and secondary constraints. In this case, there are no primary constraints and just one secondary constraint, namely the use of best and most versatile (BMV) agricultural land. To assess the site's land classification the applicant carried out physical surveys which found part of the site to be Subgrade 3a, the lowest grade to be included as BMV land; the balance was Subgrade 3b. Since policy W1 accepts up to two secondary constraints the proposal is compliant.
- 6.18 **Herefordshire Unitary Development Plan 2007, Policy E15 Protection of greenfield land:** Although presuming against development, this policy allows for flexibility if (a) no suitable brownfield/urban sites exist, or (b) the poorest possible quality is chosen. The applicant has demonstrated that both points apply. On amenity grounds there is a need for separation from residential development. Officers do not consider that the loss of 0.5 ha of Grade 3a land would be strategically significant. Therefore in your officer's view there would be no conflict with policy E15.

- 6.19 **Herefordshire Unitary Development Plan 2007, Policies E7 (Other employment proposals within and around Hereford and the market towns) and E11 (Employment in the smaller settlements and open countryside):** Paragraphs 5.4.4 to 5.4.7 of the submitted Supporting Statement identifies that the proposal does not entirely accord with the criteria set by these policies. However, both contain an exception clause relating to a demonstrable lack of alternatives, which the applicant has shown. A Household Waste Site is not technically a commercial 'employment' site since its prime purpose is waste management. In the light of this officers consider that policies E7 and E11 carry little weight in this case, but are in any case addressed through the exception clauses.
- 6.20 The above policies are a selection of those which are material to the proposal. The submitted Supporting Statement includes a policy matrix which assesses a wide range of relevant national, regional and local policies (table 5.1, page 62). Officers generally concur with its findings.

Access and traffic;

- 6.21 The application includes a Traffic Assessment compiled in accordance with government guidance. It includes: a contextual description of the site and existing local highway conditions; an appraisal of the possibilities for alternatives to car use when visiting the site; a review of the site layout and design in terms of access to the public highway network; trip generation and traffic distribution analysis; impacts on the immediate highway network.
- 6.22 The site has access to an existing modern junction on the A4111 (Kington by-pass), with good visibility. The applicant points out that many items likely to be taken to the site would be bulky, making car use inevitable even if the facility were located within the town centre. Nonetheless there is good pedestrian and cycle access to the site, and there would be scope for staff and visitors to avoid car use. The facility would also serve a number of outlying villages, and would be more readily accessible from these than a town centre site. The site layout would include an internal roadway and split-level unloading bays, designed to avoid any queuing on the A4111. The report assesses likely trip generation using traffic surveys carried out at comparable HWS elsewhere. Weekday traffic is estimated at 193 visits, Saturdays at 322 and Sundays at 266. These figures need to be doubled for return journeys. Maximum hourly traffic demand at weekends would be around 88 movements (44 in and 44 out). For HGV traffic (removing deposited waste and returning empty containers) the estimate is 3 or 4 visits in any day, but only on 3 or 4 days per week (not necessarily those days when the site would be open to the public). Using DfT modelling software, the technical assessment demonstrates that the estimated traffic levels could be comfortably accommodated by the highway network.
- 6.23 The proposal would not conflict with policies DR3 and T8 of the Herefordshire Unitary Development Plan 2007. Conditions are recommended to ensure compliance with highways specifications and requirements. Officers accept that visits to any HWS would be primarily made by car and that the site's location outside the town could alleviate congestion within Kington. Officers are inclined to agree with the applicant's observation that there are no material transport issues that would call the development of the site as a HWS into question.

Air quality and pollution (including odour, dust, fly tipping, vermin and litter etc);

- 6.24 Section 7 of the Supporting Statement assesses air quality, considering potential receptors within 250m of the application site. In the context of air quality issues it explains the proposed activities at the site, summarised as follows:
- The site would accept mixed waste and garden waste, but reception/storage facilities would be enclosed to prevent any odours, dust or litter and would be regularly removed.

- The site would be designated for local householders only and no trade waste would be accepted.
- No materials sorting or processing would be carried out.
- Open containers around a central yard would receive non-odorous bulky materials such as rubble, glass, paper/card, cans, wood, metal.
- A compound would receive electrical items, batteries, textiles and shoes.
- Tanks would receive oils.
- HGVs would remove full containers and deliver empty ones on a regular basis.

6.25 The report assesses possible adverse effects from dust and emissions generated by vehicles. Technical details of the existing and likely future conditions are given. The evidence-base concludes that the most significant source of dust would be during the construction phase, due to the amount of soil to be remodelled. However this would clearly be temporary and measures to suppress dust would be undertaken. Vehicle emission assessments are presented in spreadsheet form, concluding that pollutants from the increased traffic would be 'very small' or 'extremely small' and would not exceed national air quality specifications. The significance of the increases is described as 'negligible'. Mitigation measures are proposed in the Supporting Statement on:

- Airborne dust during construction;
- Operational airborne dust;
- Vehicle emissions.

6.26 The entire site would be regulated by the Environment Agency through an Environmental Permit, and matters of air quality, dust and odour would be included. If the site were not up to standard, the Agency would take enforcement action. On this basis, the evidence-base presented by the submission is accepted; conditions are recommended to secure the proposed mitigation and ensure that the site would be capable of compliance with a Permit. Officers accept that air quality could be adequately monitored and protected and there would be no conflict with policies S2, DR4 and DR9 of the Herefordshire Unitary Development Plan 2007. Planning conditions are also recommended requiring a scheme for fencing to the site and for all transfer vehicles to be covered or sealed, to ensure compliance with UDP policy W3, having regard to PPS23. The Environment Agency has not raised any objections and recommends further conditions to prevent pollution and from oil and dirty water through a sealed drainage system and interceptors.

6.27 The applicant has responded to the matters raised by Mr Jones of Arrow Plant Hire. The reply points out that fly tipping is not a problem at similar sites but continual monitoring and warning notices act as a deterrent. There is active liaison with the Environment Agency to prevent this type of anti-social behaviour. A HWS receives little biodegradable waste, but what is deposited is placed in enclosed containers and removed regularly. This removes any potential bad odours and lessens the likelihood of vermin – which are not normally an issue. However, specialist contractors are employed to monitor sites and lay traps wherever necessary. The environmental Services Manger has not raised any concerns and your officers' conclusion is that on these factors the proposal would be (i) capable of adequate environmental control, (ii) closely monitored, and (iii) regulated under legislation other than planning.

Biodiversity

6.28 The Supporting Statement includes an ecological assessment of the existing site undertaken by Marches Ecology. The site was found to be dominated by poor semi-improved grassland. The survey concludes that the existing site is of limited ecological value. However the proposal offers an opportunity for habitat and biodiversity enhancement in the area outlined for the deposit of excavated material that would be displaced by the site levelling. Officers accept the

findings of the survey and conditions are recommended to secure schemes for biodiversity improvements and subsequent management, in accordance with policies NC1, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan 2007.

Landscape and visual impact

- 6.29 In planning terms these are probably the foremost factors in consideration of this proposal. The Supporting Statement includes a full section on these separate issues. On landscape, the methodology follows a structured approach to establish baseline conditions, assess sensitivity to change in the particular landscape, predict the likely magnitude of change (taking mitigation into account), and calculate the significance of effect. An assessment matrix is used to indicate whether there would be significant adverse effects, to a similar degree as if the EIA Regulations applied.
- 6.30 The adopted Herefordshire Landscape Character Assessment 2002 places the site on the boundary between 'Ancient Timbered Farmlands' and 'Timbered Plateau Farmlands'. However, the site lies on the extreme southern edge of Kington, with the industrial character of the adjoining plant hire premises and housing development to the north, including land allocated for future housing. The town's cemetery lies further to the south and the land along the recently improved A4111 is marginally agricultural with a distinctly urban feel. The assessment (paragraph 9.6.3, p 120) considers the sensitivity of the site to be 'low to medium'. It goes on to evaluate the magnitude of change to be 'medium', with an effect of 'minor to moderate' significance. In the short term, while the site and its landscape was becoming established, there would be temporary 'adverse' change but this would improve to 'neutral or beneficial' once vegetation and tree cover increased.
- 6.31 On visual impact, the application identifies properties having direct or oblique views towards the site. Their sensitivity to change is assessed, and a summary of the likely effects. More distantly, some properties on Bradnor Hill, including the golf course, would have wider panoramic views towards the site. Banley Farm would have clear views of the site, however the operational activities would be cut in at a much lower level than the present field surface and dense woodland planting is proposed in the north-western corner of the site. On the eastern side, nearest to the A4111, an existing tree belt would be retained. Security fencing hedgerows and intermittent trees are proposed for the remaining site boundary. The assessment concludes that with planting the site would have a slight visual impact which would diminish over time. Views into the site from the A4111 would be limited/transient.
- 6.32 The applicant has provided structured assessments of landscape and visual impacts, and concluded that, although visible changes would undoubtedly occur, mitigation is possible and those changes would not be objectionable. The application site is not affected by any designated landscapes or areas and lies on an unremarkable modern road. There is no reason why such a facility should not be accepted as integral to the sustainable function of a market town. In terms of orientation, design, landform and planting proposals, the applicant has demonstrated consideration of the existing topography. The application site has been carefully chosen and designed so as to be as unobtrusive as possible taking into account the general character of the area. Objections on visual impact grounds are not therefore supported by your officers, and no conflict with policies LA2 and LA3 of the Herefordshire Unitary Development Plan 2007 is indicated. Officers acknowledge the need for such a facility; the difficulties of finding a suitable site override other considerations to some extent, provided mitigation is properly implemented. A condition is recommended for a landscaping scheme under policy LA6 in accordance with the Landscape Officer's comments.

Archaeology

6.33 The proposal includes 'cut-and-fill' measures to level the sloping site and provide landscape screening and remodelling. Prior to submitting the application, the applicant undertook an initial archaeological assessment consisting of a desk-based study and field evaluation. The Archaeological Advisor has confirmed that the report is acceptable and recommends a standard condition requiring a scheme of investigation to an agreed brief, in accordance with policies ARCH1 and ARCH6 of the Herefordshire Unitary Development Plan 2007.

Drainage, water quality and flood risk

6.34 The site falls within flood zone 1 (low risk) and at less than one hectare falls below the threshold in PPS25 for requiring a Flood Risk Assessment (FRA). The application states that run-off from surrounding land would be provided with a perimeter soakaway on the western side of the site. The geotechnical report suggests there are known limited and infrequent groundwater issues, which can be adequately mitigated through surface water drainage solutions. These would be designed to incorporate SUDS in accordance with Environment Agency requirements.

6.35 The Environment Agency has drawn attention to the requirements of DETR Circular 03/99 in establishing foul drainage arrangements prior to determination of an application. The applicant has been in negotiation with the statutory undertaker for sewerage, and two alternative schemes are included in the application. To date that choice has not been finalised although the Agency has not suggested that either would be unacceptable.

6.36 Officers are satisfied that drainage matters would be satisfactorily addressed by the applicant and that the site is capable of adequate provision. The Agency would not be able to issue an Environmental Permit without this, and in such circumstances the site could not operate. No objections have been raised on this topic. No conflicts with policies DR13 and DR14 of the Herefordshire Unitary Development Plan 2007 are indicated.

Lighting and noise

6.37 The application states that lighting would be needed only during operational hours at times when natural light fell below safe working levels. It would be designed to be angled downwards, to prevent glare and light spillage beyond the site boundary. This accords with policy DR14 of the Herefordshire Unitary Development Plan 2007 and could be secured by a condition.

6.38 On noise, the application includes a full survey and assessment. Appendices 12-1 to 12-6 give the technical details including equipment used, methodology, weather conditions at survey times, survey results, and an explanation of basic acoustic terminology. The following noise sources were considered:

- Road traffic on the highway network
- The deposit of waste items into the various containers
- Movement of containers to and from the site
- Movement of vehicles within the site

Baseline noise surveys were undertaken to establish existing background noise at the boundary of the nearest receptors. This process involved the sites being chosen in consultation with the Council's Environmental Health Officers (EHO). The nearest receptors are stated to be between 65 and 70 metres away (to the north and north-west of the site). The survey results suggest existing background noise is high, and dominated by road traffic. The applicant has used figures from a comparable existing site to establish the likely future impacts.

6.39 On road traffic noise, the survey concluded that the nearest receptors would experience a slight increase in noise, to a maximum of + 1.1 dB(A). Government guidance indicates a margin of +3

dB(A) before triggering any concerns. On site operations, using other comparable sites to assess change, the report estimates there would be some increase in noise from the deposit of waste into containers, but the site would be specifically designed to avoid excessive dropping of items into skips. Acoustic fencing is proposed to ensure that operational noise emanating from the site would be kept to a minimum. The report offers an Assessment of Significance and mitigation measures are proposed, which could be secured by condition in accordance with policy DR13 of the Herefordshire Unitary Development Plan 2007 and which would be further covered by the Environmental Permit. The Environmental Services Manager has not raised any objection but would in any case have independent enforcement powers over any noise nuisance.

7. Conclusion

7.1 In your officers' opinion the application is well-detailed and brings forward a proposal which is fully in accordance with strategic waste and local planning policies. It would provide a valuable contribution to the wider waste disposal facilities in the County and in a sustainable way.

7.2 This application includes comprehensive assessments on relevant topics. The proposal has been assessed against National policy, the Regional Spatial Strategy and the Herefordshire Unitary Development Plan 2007 (UDP). The site is on unallocated green field land in open countryside. However the proposal complies with policy W1 of the UDP, which is the key policy in this case and is not tied to settlement boundaries. Officers take the view that with regard to the many relevant national, regional and local policies, the proposal has been shown to be either supported, compliant or capable of mitigation in each case. Several other factors are material considerations:

- There are currently no allocated sites in Herefordshire for waste management
- Unallocated sites should not be lost, if they can comply with other policies (PPS10)
- The site is not affected by any environmental designations
- The proposal is relatively small-scale
- It meets all current waste policies and the Joint Municipal Waste Strategy
- It meets BPEO principles, which remain relevant to regional and local policy for the time being

According to professional advice, the proposal is capable of meeting environmental and highways standards on design and management. Officers accept that there is a need for such a facility and this site fulfils the special site criteria.

7.3 All relevant matters have been considered, and additional information requested from the applicant and consultees where necessary, in order to establish an evidence-based view. Management of the site would be controlled by the Environment Agency through other legislation including the Environmental Permit regime and other means of pollution control.

RECOMMENDATION

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;

Further information on the subject of this report is available from Mrs D Klein on 01432 260136

- 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 o 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**

Further information on the subject of this report is available from Mrs D Klein on 01432 260136

- 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.environment-agency.gov.uk/business/topics/pollution/39083.aspx](http://www.environment-agency.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.**

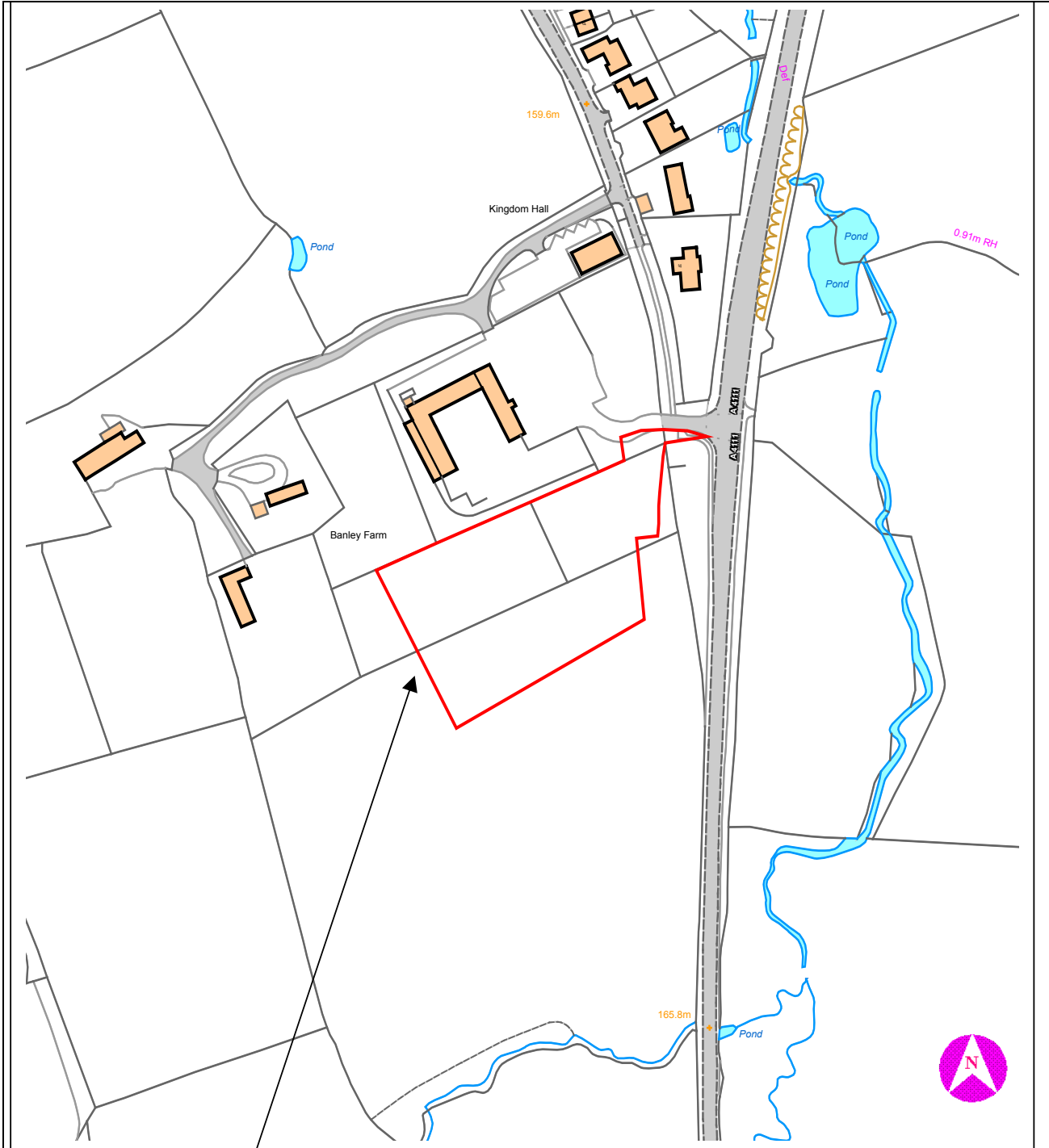
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2009/0819/N

SCALE : 1 : 2500

SITE ADDRESS : Land to the South of Kington off A4111 adjacent to Arrow Plant Hire, Kington, Herefordshire, HR5 3HB

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

For: Mrs R Hooper per Richard Gittings, 61 Primrose Crescent, Worcester, WR5 3HQ.

Date Received: 17 April 2009

Ward: Frome

Grid Ref: 71106, 50368

Expiry Date: 12 June 2009

Local Member: Councillor PM Morgan

1. Site Description and Proposal

- 1.1 The site, which is known as Acton Mill Farm, Suckley, lies in open countryside and within the parish of Acton Beauchamp. The site is situated to the west of the U65622 leading to Stony Cross. The farm buildings and stables are to the northwest of the farmhouse which has a separate splayed access to the farmhouse. The farmhouse access is to the south, which inclines sharply to higher ground. The farm holding is 21 acres and is situated within the lower valley of the rolling landscape, where the landform slopes from the north and inclines to the south. There is a mill pond and weir to the south of the farm which is shielded by trees that stretches east to west along the field boundary. Neighbouring properties are to the north known as No. 1 & 2 Malvern View and Judy's Cottage; to the northeast The Poplars and to the southeast The Bant and Slate House. There is a Mill 13m southeast of the Acton Mill Farm, a Grade II Listed Building, which is associated with the applicants property. The Landscape Character Assessment characterises the area as Principal Timbered Farmlands.
- 1.2 The application proposes the construction of a boarding kennel and a cattery for 20 dogs and 10 cats. The two buildings would be formed in a line 7m south of the existing large barn. The dimensions of the kennels are 21.8m (l) x 8m(w) x 3.3m(h). Each kennel provides a bedding and exercise area measuring 2.9m(l) x 1.8m(w). The dimensions of the cattery are 9.7m(l) x 7m(w) x 3.3m(h). Each cattery provides a bedding and exercise area measuring 2.5m(l) x 1.3m(w). There are two isolation units, one for dogs measuring 5m(l) x 2m(w) and for cats 3.5m(l) x 2m(w). The dog isolation unit is situated between the kennels and cattery leaving a gap of 5m to each building and the cat isolation unit is 5m west of the cattery. It is also proposed to construct an acoustic wall 24m to the east of the kennels measuring 18m (l) x 2.6m (h).
- 1.3 Supporting information was submitted with the application in the form of a Design and Access Statement and Noise Assessment carried out by M.A. Thorne, Acoustic Associates, Worcestershire.
- 1.4 This is a second application because no noise assessment formed part of the previous application, which was withdrawn.

2. Policies

Planning Policy Statements

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

PPG24 - Planning and Noise

Herefordshire Unitary Development Plan 2007

S1 - Sustainable Design
 S2 - Development Requirements
 S6 - Transport
 S11 - Community facilities and services
 DR1 - Design
 DR3 - Movement
 DR4 - Environment
 DR13 - Noise
 E12 - Farm diversification
 T8 - Road hierarchy
 T11 - Parking provision
 LA2 - Landscape character and areas least resilient to change
 CF2 - Foul drainage

3. Planning History

MH97/0176 Change of use - other - Malvern Hills District Council
 Approved 16.4.97

DCNE2003/1466/S Implement shed, general agricultural store
 Prior approval not required - 28.5.03

DCNE2003/1661/F Erection of stables and new access to farmstead
 Approved 30.7.03

DCNE2004/0564/F Extensions to agricultural buildings
 Approved 27.4.04

DCNE2004/2625/F Erection of additional stables
 Approved 1.11.04

DCNE2005/1365/F Proposed hay store
 Approved 31.5.05

4. Consultation Summary

Statutory Consultations

4.1 No statutory or non-statutory consultations required.

Internal Council Advice

4.2 The Traffic Manager recommends that the existing access would benefit from improvements in terms of cutting back the hedgerow and the provision of a bound surface at the entrance and as such recommends conditions.

4.3 The Head of Environmental Health and Trading Standards observations are as follows:-

"My concerns about potential nuisance from dog barking have been addressed by a noise consultant's report. Other than the consultant identifying the location of the kennels are within Worcestershire, the report is satisfactory and concludes that noise from dog barking should not

Further information on the subject of this report is available from Mrs A Tyler on 01432 260372

cause nuisance to the occupiers of nearby residential property. Therefore I have no objection to the application".

- 4.4 The Head of Environmental Health and Trading Standards - Licensing observations are as follows:

"The plan at present does not give us enough detail to determine if it meets the requirement for licensing. I have visited the premises and I have no worries concerning their ability to comply when completed". Clarification was sought in terms of details to satisfy the licensing requirements and a copy of the conditions relating to animal boarding for dogs and cats was forwarded on the 19 May 2009.

5. Representations

- 5.1 Acton Beauchamp Parish Council observations are as follows:-

"Cannot support the proposed kennels, is in too close proximity to other households, who do not want the noise of barking dogs. Not a suitable site".

- 5.2 Cradley Parish Council has no objections, but request Council to consider noise impact in the area.

- 5.3 A Design and Access Statement was submitted, along with a noise assessment. In summary these state:-

- The site is located on the outskirts of village, accessed from either the A44 or A4103.
- Entrance to the site is via existing driveway to the north west of the farm.
- Proposed work involves the erection of boarding kennels and cattery.
- The scale and form is appropriate to its setting and in keeping with the form of existing buildings.
- The buildings will not be over dominate or detrimental to the wider local area.
- The buildings will be constructed of concrete blocks with galvanised steel mesh to front of pens and green minnel felt to roof on insulated decking.
- Foul and waste water taken to kalghester septic tank with the outfall taken into a biodisc system.
- The area has a flat hard standing for ease of access for the ability of all age ranges and appropriate wheelchair access with designated disabled parking.
- Acoustic Associates carried out a background noise survey and the necessary modelling to assess the potential effect of noise on nearest neighbours.
- The position of kennels and cattery takes advantage of the existing buildings.
- The Local Authority agreed that the Supplementary Planning Guidance (SPG) issued by South Holland District Council to be used as the basis of the assessment.
- Guidance gives noise emission levels and recommends that the calculated noise does not exceed background noise levels (33dBA lowest, 34.7d BA average, as measured).
- Daytime background noise levels measures were 33LA90 or more.
- The noise at the most exposed location is calculated to be 32.4LAeq
- The SPG considers this assessment to be acceptable.

- 5.4 The applicant submitted a further letter in support of her application. The main points are summarised:-

- Proposed kennels and cattery will provide work opportunities locally, together with the proposed Care Farm environment for people with learning disabilities.
- Likelihood of hearing dogs and cats is highly remote due to the siting of the unit.

Further information on the subject of this report is available from Mrs A Tyler on 01432 260372

- The countryside is very important and this will be a way of providing and sustaining the countryside.

5.5 Six letters of support have been received from:-

Roger & Barbara Blackburn, Suckley Post Office, Tan House, Longley Green, Suckley, Worcestershire. WR6 5DU
 Mrs PR Heath, 3 Woodland Road, Suckley, Worcester. WR6 5EA
 Noelle Wilson, Manager, Top Barn Training, Top Barn Farm, Holt, Worcester. WR6 6NH
 Mrs S Bodley, 1 Malvern View, Suckley, Worcester. WR6 5EJ
 Miss L Cox, 27 Damson Way, Suckley, Worcester. WR6 5EW
 RJ & KY. Boyle, 'St Kitts', Cradley, Nr. Malvern, Worcester. WR13 5UR

The main points are summarised:-

- The proposed kennels and cattery can only enhance the community as a whole providing additional employment opportunities.
- Increase number of visitors to the area which can only benefit existing businesses.
- Support rural initiatives to help local people and preserve the countryside in which we live.
- Noises and smells are part of the countryside.
- The applicant provides support for three adults with leaning disabilities, this development will be invaluable for their supportive care.
- Property situated closest to Acton Mill and the kennels and cattery will be a positive inclusion in our local community.
- Prospect of kennel local to us is welcomed because there is a great demand for this service.
- Opportunity to provide extra income for the farm knowing how difficult it is to make a living from farming.

5.6 Five letters of objections were received from:-

Mr & Mrs Withorn, Slatehouse Cottage, Acton Mill, Suckley, Worcester, WR6 5EJ
 Mr & Mrs WJ Ranford, The Bank, Suckley, Worcester, WR6 5EJ
 L.C. Hubbard, Priory Redding, Suckley, Worcester, WR6 5EH
 Richard & Barbara Wall, The Poplars, Suckley, Worcester, WR6 5EH
 Matthew & Hannah Dovey, Judy's Gate, Suckley, Worcester, WR6 5EH

The main points are summarised:-

- Kennels & cattery will worsen the traffic situation along a narrow single lane.
- Noise will be excessive because property situated in a valley.
- Proposal is against agriculture and not of any local interest to the local community.
- Planning concerned of size and shape of building should also be concerned with usage.
- Noise assessment figures, although technical jargon, not convincing.
- Noise assessment meaningless from practical experience from noise of two or three dogs kept at these premises in the past.
- Noise levels measured in decibels relate to high pitched sounds and do not compare to yapping dogs.
- The noise report misleading dogs in kennels will bark at the slightest provocation, ie. when other dogs collected/delivered.
- Sound of a barking dog will carry for a long distance.
- Annoyance will be more noticeable in this area - sound of livestock grazing 2-3 fields beyond Acton Mill can be heard.

Further information on the subject of this report is available from Mrs A Tyler on 01432 260372

- Potentially listening to 20 dogs and other pet dogs in the area would be unfair and intolerable.
- Location of kennels would amplify the noise nuisance levels.
- No scheme in place to show how sound pollution levels will be minimised.
- No acoustic management in way of construction materials.
- Unacceptably impact upon the local residential amenity in what is a tranquil area.
- The noise nuisance will have a detrimental effect upon wildlife.

5.7 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 in the determination of the application are considered to be the impact upon the residential amenity and wider surroundings, impact upon the landscape qualities and the impact upon the safe operation of the highway network.

6.2 The proposal is to provide boarding kennels for 20 dogs and a cattery for 10 cats, albeit situated on the farm holding, it is situated within the open countryside and within a 180m radius of residential properties where particular concern has been focused upon the noise impact of such development. Given that the previous application was withdrawn by virtue of a noise assessment not undertaken, the applicant has now submitted such an assessment in order that your Officers' can consider the likely impact upon the countryside and residential amenity.

6.3 Planning Policy Guidance Note 24: "Planning and Noise" states that noise can have a significant effect on the environment and on the quality of life enjoyed by individuals and communities. The planning system has the task of guiding development to the most appropriate locations and does not cause an unacceptable degree of disturbance.

6.4 Policy DR13 of the Herefordshire Unitary Development Plan outlines that development should be directed to the most appropriate locations and sites, where activities that generate or potential to generate levels of noise that may give rise to injury or complaints needs to be considered. Noise is increasingly recognised as a form of environmental pollution and is a material consideration in planning decisions.

6.5 The application submitted a noise assessment having regard to the South Holland Supplementary Planning Guidance (SPG). This document has not been reviewed through the Local Development Framework of the South Holland District Council, however, their Environmental Health Officers' regularly use the SPG to comment upon applications for Development Control Officers'. The noise consultant sought confirmation from this Council's Environmental Health Officer who considered that the SPG provided guidance to carry out the noise assessment for the proposed kennels.

6.6 The assessment identified four noise receptor points from a number of residential properties namely, Judy's Cottage approximately 184m; 1 & 2 Malvern View approximately 149m, The Mill approximately 105m, The Bant approximately 211m. Over the period of 1 hour, the methodology from the SPG was used to assess the potential noise from dogs barking, i.e the number of dogs $20 \times 0.6 =$ which is a total of 12 dogs barking at any one time. The noise data collected from the four properties shows that the daytime background noise levels measured 33LA90 and the noise from dogs at the most exposed location was calculated to be 32.4LAeq, this being The Mill, closest of properties. The SPG recommends that the proposal will be acceptable if the calculated noise does not exceed the background noise such as (33 dBA lowest, 34.7dBA average). In this case the noise levels would not exceed these measurements.

Furthermore, an acoustic wall is to be constructed to the east of the buildings, to further reduce the potential noise risk from the kennels.

- 6.7 The objections received having regard to the noise nuisance are noted and whilst their concerns have been taken into account, the Council's Environmental Health Officer has considered the detailed acoustic report and considers that the noise from dog barking should not cause nuisance to the occupiers of nearby residential property. If, complaints are received, Environmental Health Officers' can investigate and consider using powers under the Environmental Protection Act 1990.
- 6.8 The buildings would be situated 7m south of the existing large agricultural building. This position has been considered in terms of remaining close to the existing buildings and to act as a noise barrier. The buildings are constructed side by side with the isolation units situated between, but retaining a 5m gap between buildings. Given that the buildings are to the rear of the range of buildings, and shielded by the tree belt to the south of the site, the buildings would not be visually harmful upon the landscape qualities.
- 6.9 The Council's Licensing Officer, provided conditions that are required to be met in order to obtain an animal boarding establishment licence. The buildings are in line with each other to ensure that the dogs and cats do not see sight of one another. The size of the each kennel and cattery is adequate in size in terms of bedding and exercise area. The construction of the building, the roofing and ventilation is acceptable subject to inspection. Waste will be collected and disposed through the Kee NuDisc which is a self-contained, covered, single piece packaged treatment system. In terms of licensing the layout, size and functioning of the buildings would be carefully considered before a license would be issued, which is dealt separately through Environmental Health and Trading Standards. Without an animal boarding establishment licence, the kennels and cattery would not be operational, even if the Council is minded to support the application.
- 6.10 Turning to highway issues, concerns were raised having regard to the access and local road network because it is served by a single lane U65622 via the C2064. The Council's Traffic Manager has no objections to the proposal subject to remedial works being undertaken and recommends conditions.
- 6.11 The proposal has demonstrated that the environmental and social impacts have been minimised through careful consideration of siting, landscape, highway and residential amenity, as such the proposal satisfies national and local plan policies.

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 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**

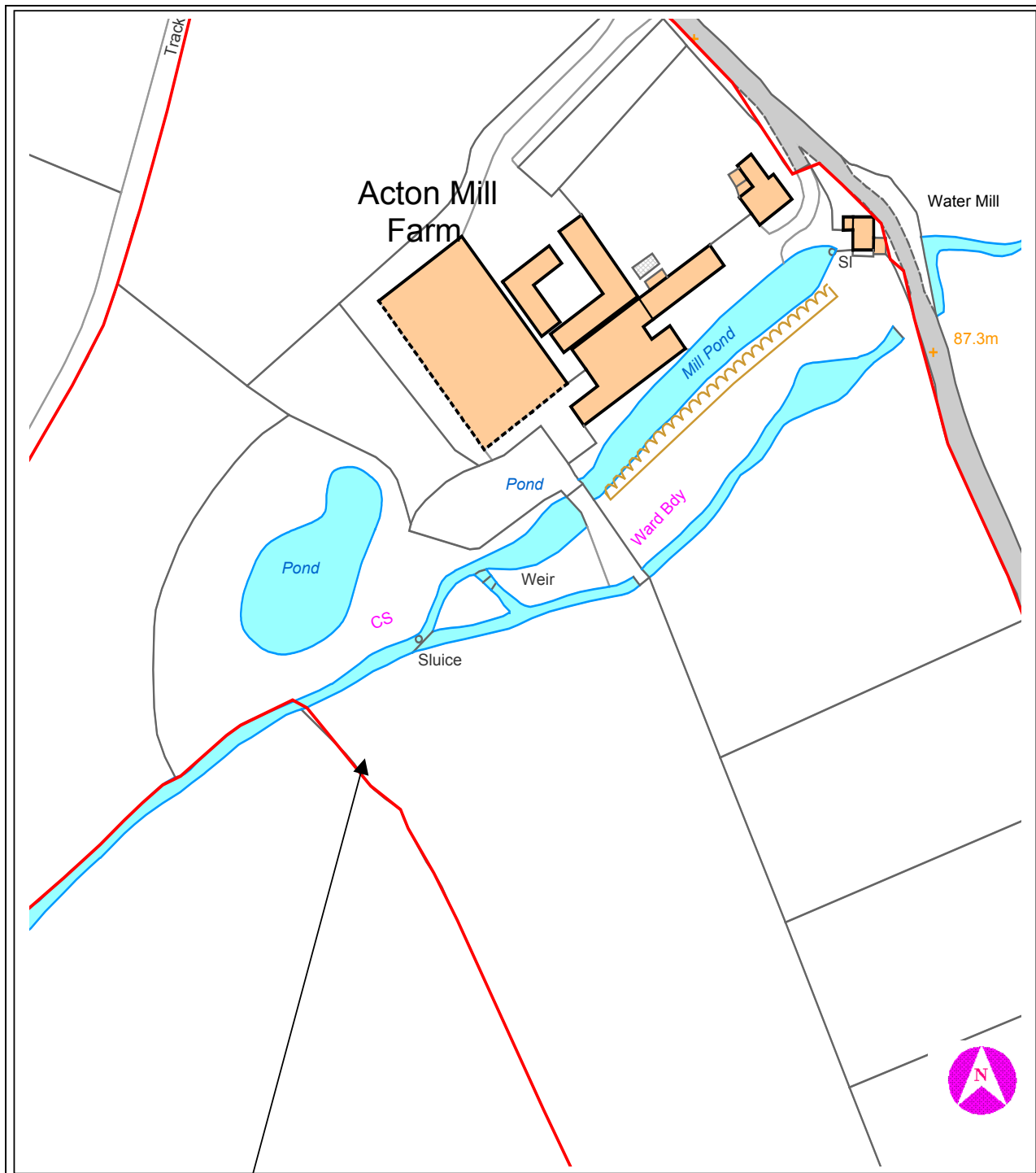
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNE2009/0883/F

SCALE : 1 : 1250

SITE ADDRESS : Acton Mill Farm, Suckley, Worcester, Herefordshire, WR6 5EJ

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7 DCNE2009/0662/F - PROPOSED USE OF YARD AT KNAPP FARM FOR THE STORAGE AND DISTRIBUTION OF POLYTUNNEL COMPONENTS AND OTHER AGRICULTURAL ITEMS ANCILLARY TO THE PERMITTED MANUFACTURING PROCESS AT KNAPP FARM, PIXLEY, LEDBURY, HEREFORDSHIRE, HR8 2QB.

For: Mr A Davison C/o Haygrove Ltd. Redbank, Little Marcle Road, Ledbury, Herefordshire, HR8 2JL.

Date Received: 16 April 2009

Ward: Frome

Grid Ref: 66565, 38671

Expiry Date: 11 June 2009

Local Member: Councillor PM Morgan

1. Site Description and Proposal

1.1 The application site relates to a site known as Knapp Farm within the Parish of Pixley and Aylton. The site was formerly a farm yard. It is located some 400 metres east of the A4172. To the south of the site is a residential property known as Pixley House and to the south-west are three residential properties known as 'Knapp Farmhouse', 'Knapp Cottage' and 'Knappaway'. 'Knapp Farmhouse' is a Grade 2 listed building. To the north-east of the site, within the applicant's control, is a residential property known as 'Hedgehog Cottage'. A public footpath runs through the site in a north-east to south-west direction.

1.2 Upon the site is a range of buildings. One building is used for the manufacture of polytunnel components. The use of this building was granted by Herefordshire Council on 23rd July 1999. A copy of that planning permission is attached as Annex 1. Member's attention is drawn to condition 7 which stated:-

"No goods, plant, material or machinery shall be deposited or stored outside the building hereby permitted unless otherwise agreed in writing with the Local Planning Authority;"

1.3 It is understood that since March 2001 Haygrove Tunnels have used the yard area outside the building for the open storage of polytunnel components. This application has been submitted to regularise the matter. The application arose after the Local Planning Authority received a formal complaint on 19 February 2009.

1.4 The proposal involves the open storage of polytunnel components to a maximum height of 3.5 metres.

1.5 Whilst there are two existing vehicular means of access off the A4172, it is the northernmost access that is used by heavy goods vehicles.

1.6 The public footpath through the site would not be diverted. Originally it was proposed to do so via this planning application. However, legally that is not feasible where the development has already taken place (i.e. the application is retrospective). If the applicant wished to divert the footpath at a future date that could still be applied for via the Highways Act 1980.

- 1.7 To alleviate the noise impact of the proposed use upon the occupiers of 'Knapp Farmhouse', 'Knapp Cottage' and 'Knappaway' to the south-west, the applicant is proposing to erect a 2.4 metre acoustic barrier comprising straw bales. The barrier would have a length of some 45 metres.

2. Policies

2.1 National Planning Guidance

West Midlands Regional Strategy

Policy Statement 1	–	Delivering Sustainable Development
Policy Guidance Note 4	–	Industrial and Commercial Development & Small Firms
Policy Guidance Note 7	–	Sustainable Development in Rural Areas
Policy Guidance Note 13	–	Transport
Policy Guidance Note 15	–	Planning and the Historic Environment
Policy Guidance Note 24	–	Planning and Noise

2.2 Herefordshire Unitary Development Plan 2007

E6	–	Expansion of existing businesses
E8	–	Design standards for employment sites
E11	–	Employment in smaller settlements and open countryside
E12	–	Farm diversification
DR13	–	Noise
LA2	–	Landscape character and areas least resilient to change

3. Planning History

- 3.1 The history relevant to consideration of this planning application is full planning permission number NE1999/1653/F that allowed the "Change of use of redundant farm building to make agricultural items and construction of new access road from A4172"

4. Consultation Summary

Statutory Consultations

- 4.1 None

Internal Council Advice

- 4.2 The Senior Landscape Officer states:-

"The open storage of polytunnel components has a very limited impact on the landscape and visibility is restricted to relatively close views. The operations and storage of materials appears compatible with the wider agricultural operations in the vicinity and does not represent a major departure from the general character of the area.

The open storage of polytunnel components does not represent a cumulative negative impact on the quality and character of the landscape, being closely associated with the principal and existing agricultural buildings.

The opportunities for incorporating additional soft landscaping in the vicinity of the application site is limited and considering the limited visual impact, probably not justifiable. Wider landscape enhancement measures are proposed to be introduced in relation to the whole farm

polytunnel application and will serve to make some positive contributions to character of the area.

Views from the public footpath crossing the site are limited and brief, and the appearance of the activity and storage of materials, again, concomitant with the types of buildings and general activity in the vicinity.

In summary, I would describe the proposal, in terms of impact on the landscape, as benign. No significant negative visual impact will accrue and mitigation is neither necessary nor available."

- 4.3 The Area Engineer (Development Control) has no objections to the development. He considers the visibility splays at the existing HGV entrance to be acceptable.
- 4.4 The Public Rights of Way Section have no objection to the proposed development subject to a condition requiring public footpath PX1 being kept free of obstruction and that a 3 metre width be kept clear. The southern end of the acoustic barrier would be approximately 5 metres from the public footpath.
- 4.5 The Conservation Section has no objection to the proposed development with regard the setting of Knapp Farmhouse as a Grade 2 listed building.
- 4.6 The Council's Environmental Health Section has no objection to the proposed development subject to a condition securing the provision of the acoustic barrier.

5. Representations

5.1 Aylton Parish Council supports the application but make the following comment:-

- An improvement to the access off the A4172 should be secured to allow two HGVs to pull off the road in front of the barrier;
- Attention should be made to the surface of the existing access road in terms of both noise and dust and its impact upon the occupiers of dwellings in the immediate vicinity; and
- Noise arising from reversing vehicles.

5.2 The British Horse Society has no objection to the proposal.

5.3 The Ramblers Association object to the proposal. They are considered that activities within the open storage area would render the footpath unsafe. They also are concerned that the straw bale acoustic barrier would appear to obstruct the public footpath.

5.4 The occupiers of four dwellings in the vicinity object to the development on the following summarised grounds:-

- The impact of noise upon the amenities of the occupiers of surrounding dwellings;
- The impact of dust arising from use of the HGV access upon the occupiers of surrounding dwellings;
- Noise impact from reversing vehicles fitted with beepers;
- Impact upon the footpath;
- Adverse visual impact; and
- The process should be located on an industrial estate.

5.5 The Open Spaces Society and the Malvern Hills District Footpath Society has no objection to the proposed development subject to the public footpath being kept free of obstruction.

5.6 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 history of this site is such that the re-use of a rural building for employment related purposes was secured. As Members will be aware for some considerable period of time both Central Government advice and Development Plan policies have allowed for such developments. They make a positive contribution to the rural economy and provide employment opportunities. In this particular case the use could legitimately be considered as a form of farm diversification, producing and distributing products to the agricultural sector. Clearly such developments must also be acceptable in terms of their environmental impact.

6.2 In this particular case a number of conditions were attached, one of which effectively prevented open storage of materials. The reason given for this condition was to "protect the appearance of the locality". However, since March 2001 open storage has taken place.

6.3 It is understood that the business has grown substantially since 1991. It is understood that whilst in the early years manufacturing of the polytunnel components took place upon this site, the majority of the components are now produced in Poland. It is understood that the steel and the polythene is delivered from within the United Kingdom whilst the majority of the components are manufactured in Poland and delivered to the site. The only remaining components manufactured within the building upon the site are the steel struts. When sufficient orders are received delivery lorries are loaded with the requisite components and distributed accordingly to fulfil customer orders.

6.4 In terms of assessing the open storage, it is best dealt with under a series of sub-headings.

Visual Landscape Impact

6.5 Members will note from the internal advice outlined above that the Landscape Officer has no objection to the development. The site is not readily visible from public vantage points outside the confines of the site. Certainly from the Marcle Ridge this area, unlike the surrounding polytunnels, is not readily apparent. By storing the items close to the building it concentrates the development locationally to the principal buildings at Knapp Farm. Whilst one clearly views the open storage when walking through Knapp Farm itself, the time period during which one experiences this storage is relatively limited in terms of ones experience of the entire length of the path.

6.6 It is considered, however, that a height limit of 3.5 metres should be imposed via an appropriate planning condition.

Public Footpath

6.7 The public footpath needs to be unobstructed with a width of 3 metres. An appropriate planning condition is recommended.

Impact upon Setting of the Grade 2 listed 'Knapp Farmhouse'

6.8 The open storage use is not considered to directly impinge upon the setting of Knapp Farmhouse. There is intervening landscaping between the open storage use and 'Knapp Farmhouse'.

Noise Impact

- 6.9 The activities within the open storage area certainly create a degree of noise. It is for this reason that the applicant engaged the services of an appropriately qualified acoustic / noise consultant to undertake a noise assessment in accordance with BS4142:1997. This assessment revealed that the occupiers of Pixley House to the south are not suffering an undue impact from noise arising from the yard activities due to the presence of the intervening brick built building. It is therefore suggested that a condition be attached to any planning permission ensuring the retention of that building.
- 6.10 With regard Knapp Farmhouse, Knapp Cottage and Knappaway to the south-west it is considered that the occupiers of those properties do suffer an undue loss of amenity by way of noise from the yard activities. It is for this reason that the construction of a 2.4 metre high acoustic barrier is proposed. This acoustic barrier is proposed to be of a straw bale construction. Visually, it is considered that this would be acceptable. However, the maintenance of this structure would be critical as over time straw rots with water penetration. Periodically the bales will require replacement.
- 6.11 Therefore it is considered that the occupiers of the neighbouring properties would not suffer an undue loss of amenity by way of noise impact from the open storage activity.
- 6.12 It is understood that vehicular movements associated with the polytunnel manufacture and distribution business alone, is limited in extent. The applicant informs me that the combined (in-bound and out-bound) average weekly number of HGV / lorries is 11 vehicles per week. With a minimum of 2 and a maximum of 20 HGV / lorries in any one week. Based on a 5-day week this equates to an average of 2.3 HGV / lorries per day. The access road is well in excess of 100 metres from the nearest residential properties and it is not considered that the occupiers of those properties suffer an undue level of noise and dust from the use of that roadway. The problem with re-surfacing that driveway with say tarmac is that vehicles then tend to travel at higher speeds with resultant higher noise levels.

Other noise related matters not directly related to this open storage proposal

- 6.13 Occupiers of neighbouring properties have raised the issue of noise break-out from the existing industrial building. The building appears to be very poorly insulated and provides little acoustic protection. However, this is not the matter before this Authority at this time and no planning condition was attached to planning permission NE1999/1653/F requiring the building to be acoustically insulated.
- 6.14 Complaint may still be received by the Environmental Health Section (Environmental Protection Team) claiming that local residents are suffering an undue level of noise that amounts to a statutory noise nuisance by way of noise break-out from the industrial building. If the Environmental Health Section were to establish through monitoring a noise nuisance, they would attempt to agree a mitigation strategy with Haygrove. If that failed, as a last resort, a noise abatement notice under the Environmental Protection Act 1990 (as amended) could be served.
- 6.15 However, one would hope that Haygrove are proactive and engage the services of their Acoustic Consultant to advise them as to the extent of noise break-out from this building and if his Professional opinion is that it creates harm advises them as to possible attenuation measures.
- 6.16 The intermittent noise of reversing beepers is not considered by the Council's Environmental Health section to justify refusal nor is there sufficient evidence of a problem to justifying imposing a planning condition. However, these reversing beepers certainly appear to be of genuine concern to local residents and again local residents could make a complaint to the Environmental Health Section claiming a statutory noise nuisance.

- 6.17 Again one would hope that Haygrove are proactive and investigate the possibility of fitting more appropriate reversing beepers to their own fleet of vehicles.
- 6.18 It is understood that a new broad band reversing alarm is now available which emits a more tolerable 'white noise'. This technology allows a reversing alarm to be as loud in decibel terms as the conventional one, but not as shrill in tone, and therefore much more acceptable to the ear.
- 6.19 The narrow band alarms currently used in reversing alarms and on emergency vehicles cause confusion because the sound reverberates all around and the listener do not know where to look.
- 6.20 It is also understood that broadband sound is also localised so that when the vehicle has passed by, the sound of the alarm is diminished, reducing the noise disturbance.

Vehicular Means of Access

- 6.21 The existing vehicular means of access to the site is considered to have satisfactory visibility splays. A barrier is set back from the A4172 such a lorry can park in front of it or two could park side-by-side. This is considered to be satisfactory.
- 6.22 I therefore recommend that full conditional planning permission be granted.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 The existing building highlighted in pink on the plan attached to this decision notice shall not be demolished without the prior written consent of the Local Planning Authority.**

Reason: To safeguard the occupiers of 'Pixley House' both within their house and garden from an undue level of noise.

- 2 Within three months from the date of this permission a straw bale acoustic barrier of 2.4 metres in height shall be erected in the position marked upon the plan received 11th May 2009. Thereafter that acoustic barrier shall remain in-situ and shall be maintained to the satisfaction of the Local Planning Authority.**

Reason: To ensure that the occupiers of the houses known as 'Knapp Farmhouse', 'Knapp Cottage' and 'Knappaway' enjoy a satisfactory level of quietude both within their houses and within their garden areas.

- 3 No machinery associated with the industrial process shall be operated outside the confines of the buildings highlighted in green on the plan attached to this decision notice.**

Reason: To ensure that the occupiers of the houses known as 'Pixley House', Knapp Farmhouse', 'Knapp Cottage' and 'Knappaway' enjoy a satisfactory level of quietude both within their houses and within their gardens.

- 4 The open storage hereby permitted shall not exceed a height of 3.5 metres from existing ground level.**

Reason: To safeguard the countryside from visually intrusive development.

- 5 The definitive route of public footpath PX1 shall be kept free of obstruction. A width of 3 metres, being 1.5 metres either side of the centre line of the public footpath, shall be kept clear of obstruction.

Reason: To ensure that the public footpath route remains unobstructed and to ensure the proper enjoyment of that footpath.

- 6 No deliveries shall be taken at or despatched from the site outside of the following times:-

- 08.00 to 18.00 Mondays to Fridays
- 08.00 to 13.00 Saturdays
- nor at any time on Sundays, Bank or Public Holidays.

Reason: To safeguard the amenities of the occupiers of the dwellings know as “Pixley House”, “Knapp Farmhouse”, Knapp Cottage” and “Knappaway”.

INFORMATIVES:

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

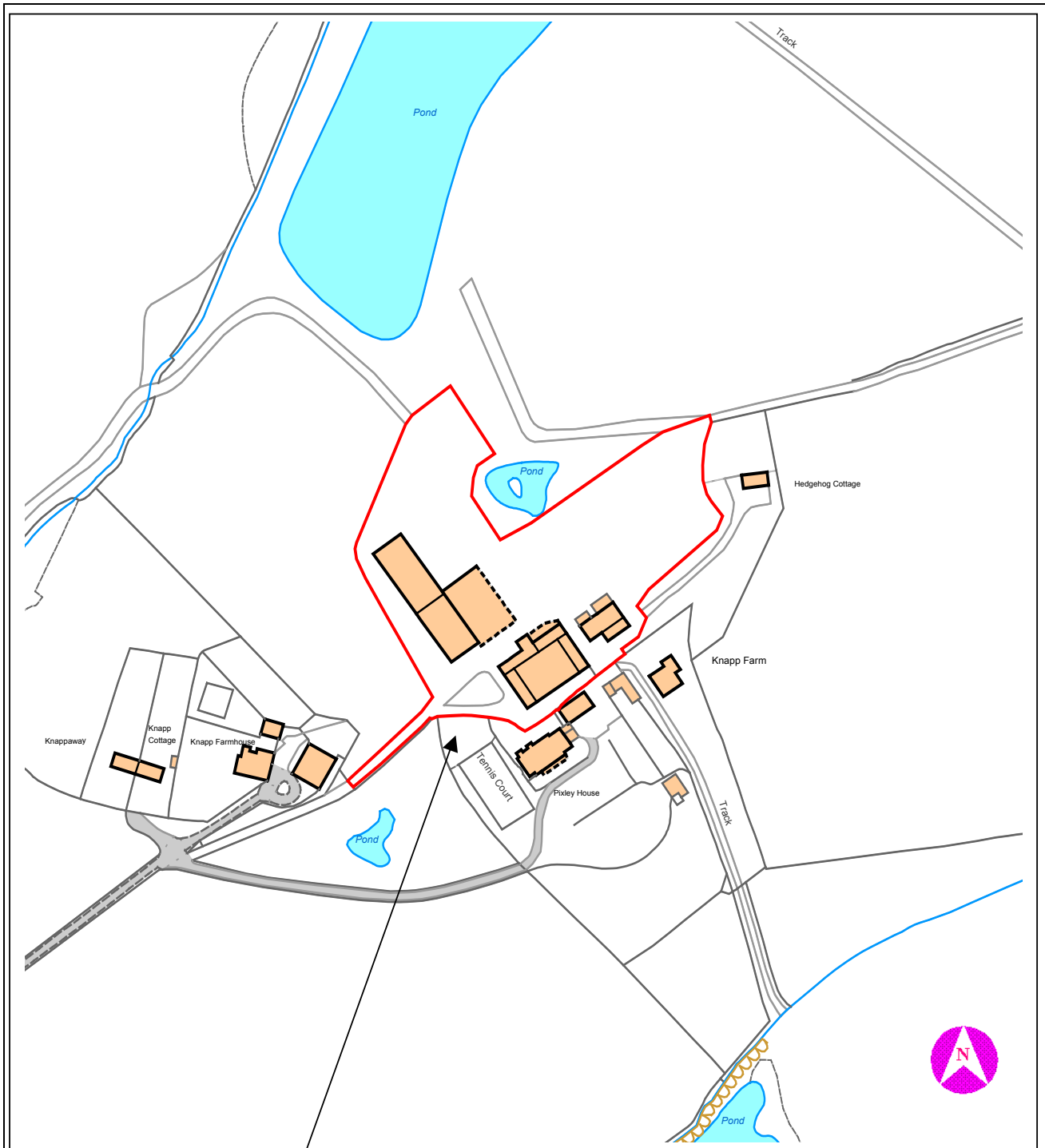
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNE2009/0662/F

SCALE : 1 : 2500

SITE ADDRESS : Knapp Farm, Pixley, Ledbury, Herefordshire, HR8 2QB

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Town and Country Planning Act 1990
 Planning and Compensation Act 1991

PLANNING PERMISSION

Applicant:

Mr. A J Davison
 Redbank
 Ledbury
 Herefordshire
 HR8 2JL

Date of application: 27 May 1999

Application code: **NE1999/1653/F**

Grid ref: 6653,3865

Proposed development:

SITE: Knapp Farm, Pixley, Ledbury, Herefordshire, HR8 2QB
DESCRIPTION: Change of use of redundant farm building to make agricultural items and construction of new access road from A4172

THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL hereby gives notice in pursuance of the provisions of the above Acts that PLANNING PERMISSION has been GRANTED for the development described above in accordance with the application and plans submitted to the authority subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

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

2. The development shall be carried out in all respects strictly in accordance with the approved plans.

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

3. The hours during which working may take place shall be restricted to 8.00 am to 6.00 pm Mondays to Fridays and 8.00 am to 1.00 pm on Saturdays. There shall be no such working on Sundays or Public Holidays.

Reason: To safeguard the amenities of the locality.

4. The access road shall be constructed to a minimum of base course level within 6 months of the date of this permission and completed within 12 months unless otherwise agreed in writing with the Local Planning authority.

Reason: To ensure the early provision of the access in the interests of highway safety.

Continued ...

5. None of the existing trees/hedgerows on the site (other than those specifically shown to be removed on the approved drawings) shall be felled or otherwise removed or destroyed without the prior consent in writing of the Local Planning Authority.

Reason: To safeguard the amenity of the area.

6. The existing field gate access north of the new entrance on the A4172 Gloucester Road shall be permanently closed on formation of the new access. Details of the means of closure shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe and free flow of traffic using the adjoining County highway.

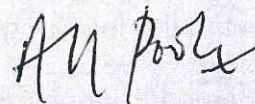
7. No goods, plant, material or machinery shall be deposited or stored outside the building hereby permitted unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the appearance of the locality.

8. The use hereby permitted shall be limited to the manufacture of polytunnels and associated agricultural items.

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

Northern Divisional Planning Office
Lion House
Broad Street
Leominster
Herefordshire
HR6 8BT



Northern Divisional Planning Officer

Decision Date: 23 July 1999

NOTES

This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, byelaw, order or regulation. In particular consent may be required under the Building Regulations.

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within 6 months of the date of this notice, using a form which you can get from the Planning Inspectorate at Tollgate House, Houlton Street, Bristol, BS2 9DJ.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.