

MINUTES of the meeting of Northern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 29 July 2009 at 2.00 pm

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

Councillors: WLS Bowen, ME Cooper, KG Grumbley, B Hunt, RC Hunt, TW Hunt, Brig P Jones CBE, R Mills, PM Morgan, RJ Phillips, RV Stockton, J Stone and JK Swinburne

19. APOLOGIES FOR ABSENCE

Apologies were received from Councillors LO Barnett, JP French, JHR Goodwin, PJ McCaull and A Seldon.

20. DECLARATIONS OF INTEREST

There were no declarations of interest made.

21. MINUTES

RESOLVED: That the minutes of the meeting held on 1 July 2009 be approved as a correct record and signed by the Chairman.

22. TREE PRESERVATION ORDER - 5 GREEN LANE CRESCENT, YARPOLE.

Confirmation of a Tree preservation order upon three trees at 5 Green Lane Crescent, Yarpole.

Councillor WLS Bowen, the Local Ward Member, said that the trees added to the overall ambience of the village and was therefore happy to support the recommendation that the order be confirmed.

RESOLVED

That the Tree Preservation order at 5 Green Lane Crescent be confirmed without modification.

23. DCNC2009/0748/F - THE PADDOCKS, NORMANS LANE, STOKE PRIOR, LEOMINSTER, HEREFORDSHIRE, HR6 0LQ.

Change of use of land from agriculture to a one family traveller site, including stationing of one mobile home, two touring caravans and day/washroom - part retrospective.

Councillor KG Grumbley, the Local Ward Member, drew Members' attention to the updates sheet and said that additional information relating to public rights of way had been received. He said that the information had only recently come to light and there had been insufficient time for officers to consider its impact. He asked that the consideration of the application be deferred.

The Legal Practice Manager advised that this was a significant legal issue and that planning permission could not be granted if it was discovered that the site lay on a public right of way.

He recommended that time should be allowed to investigate the issues and advised that consideration of the application be deferred to a later meeting of the Sub-committee and suggested the September meeting would allow sufficient time for the necessary investigations to be carried out.

RESOLVED

That consideration of the application be deferred in order for officers to clarify the position regarding rights of way across the application site.

24. 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.

The Principal Planning officer reported that a further letter of objection had been received from a local resident. The letter gave details of vehicular movement on the site. Further representation had also been received from another neighbouring resident regarding concerns over surface water drainage and change of use of the site. In response to these concerns, the Principal Planning Officer stated that the traffic movements could not be wholly attributed to the application site and that the change of use may need to be the subject of an additional planning application. The Principal Planning officer also informed the Sub-committee that the description of the proposed development in the report would need to be modified.

The Principal Planning Officer explained that with respect to Knapp Farm two breaches of planning control had become apparent (i.e. unauthorised hardstanding and retention of building used for storage & distribution purposes). The Principal Planning Officer explained that in his view the application before Members could technically be determined and the other two matters dealt with separately, although he understood if Members wished to deal with all of these matters together. The Principal Planning Officer explained that the polytunnel application was a completely separate matter, as was any subsequent application with regard to the caravans used to accommodate temporary workers.

The Local Ward Member, Councillor PM Morgan, said that as far as she could tell, there were two outstanding planning applications on the site and she felt that it would be helpful to look at the site as a whole. She said that in principle she was minded to agree to the development taking place but was not comfortable with the fact that some of the storage was upon hardstanding that did not have the benefit of planning permission. She said that there remained unresolved questions over the potential for flooding and asked that the application be deferred so that all remaining issues could be addressed and to allow time for additional planning applications to be submitted.

In response to questions from Councillor RV Stockton, the Principal Planning Officer clarified that traffic survey mentioned was carried out by a local resident and that the flooding issues were currently being investigated by the Environment Agency. He added that if the applicants had started to use their building for a different purpose then a new planning application for the change of use would need to be submitted. The Principal Planning Officer said that there was currently a pending planning application for polytunnels on the site.

RESOLVED

That consideration of the application be deferred to allow all pending planning applications for the Knapp Farm site (i.e. for the hardstanding and the retention of the building used for storage and distribution purposes) to be considered together and to allow issues regarding potential flooding and traffic management to be addressed.

25. DCNE2009/0906/F - MIRROR BROOK SMALLHOLDING, STONEY CROSS, CRADLEY, MALVERN, WORCESTERSHIRE, WR13 5JB.

Erection of two polytunnels, the creation of a pond and the erection of an agricultural storage building

The Principal Planning Officer informed the committee that Cradley Parish Council continued to object to the development.

In accordance with the criteria for public speaking, Mr Gillett, a neighbouring resident, spoke in objection to the application and Ms Priest, the applicant's agent spoke in support.

In response to a question on highway drainage and traffic levels from Councillor R Mills, one of the Local Ward Members, the Principal Planning Officer said that it would be in the applicant's interest to keep as much water on site as possible for use in the business and that no extra traffic movement would be generated as a result of the proposed development. He added that there could even be a reduction in vehicle movements because the application was seeking permission to store much of the business equipment on the site.

Councillor RV Stockton, the other Local Ward Member commented that the polytunnels looked fairly reasonable in size and was pleased to note that highways engineers were going to look at the drainage issue surrounding the site.

RESOLVED

That planning permission be granted subject to the following conditions:

- 1. The development hereby permitted shall be begun before the expiration of three 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 hereby permitted shall only be used for agricultural purposes as defined in Section 336 of the Town and Country Planning Act 1990 (as amended) and shall not be used for any other purpose, including retailing to visiting members of the public.**

Reason: To safeguard the countryside from inappropriate development and in the interests of highway safety.

- 3. Prior to the first use of any of the buildings hereby permitted the soakaway as detailed in the submission by the agent for the applicant dated 10th June 2009 shall be installed to the satisfaction of the Local Planning Authority and thereafter maintained as such.**

Reason: To ensure satisfactory surface water drainage arrangements.

4. **Prior to the first use of the agricultural storage building hereby permitted, the integral WC shall be connected to the mains sewer and thereafter maintained as such.**

Reason: To ensure satisfactory foul sewage disposal arrangements.

5. **No buildings shall be erected, pond excavated or trees planted within 2.5 metres either side of the 150mm foul water sewer that runs through the site.**

Reason: To maintain essential access for maintenance, repair, renewal, and to protect the structural integrity of the public sewage system.

6. **Prior to commencement of the development hereby permitted the following matters shall be submitted to the Local Planning Authority for their written approval.**

A written schedule and samples of all external materials to the agricultural storage building hereby permitted.

The development shall not commence until the Local Planning Authority has given such written approval. The development shall be carried out in strict accordance with the approved details and thereafter maintained as such.

Reason: To ensure a satisfactory appearance to the development.

7. **In the event of any of the buildings hereby permitted becoming redundant for agricultural purposes within 10 years from the date of this permission, that building or those buildings shall be demolished within six months of its/their redundancy and the land restored to its former condition.**

Reason: To safeguard the countryside from inappropriate sporadic development.

Informatives

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

26. **DCNE0009/1061/F - ARGUS FARM, DYMOCK ROAD, LEDBURY, HEREFORDSHIRE, HR8 2HY.**

Proposed conversion of redundant barn to a residential dwelling.

The Senior Planning Officer advised of an amendment to the description of the site and an amendment to condition 6 which should now read:

“The building to which this permission relates shall only be used as additional accommodation incidental to the use of ‘Argus Farm’, outlined in red on the plan attached to this decision, as a single family dwelling house;

Reason: Having regard to Policies DR2 and H13 of the Herefordshire Unitary Development Plan, the local planning authority are not prepared to allow the introduction of a separate unit of residential accommodation due to the relationship and close proximity of the building to the property known as Argus Farm and due to potential noise and disturbance arising from commercial uses in the vicinity of the building.”

He also advised that paragraph 6.7 of the report would need to be amended to read:

“The existing barn is not considered to be within the residential curtilage, although it is acknowledged it has been used for informal ancillary storage. The application would tie the annex as part of the residential curtilage, and therefore its associated amenity and parking is shared with the existing farmhouse. This along with the recommended conditions prevent separation of these units and the introduction of a new dwelling in open countryside.”

Councillor PJ Watts, one of the Local Ward Members said that he visited the site and was happy with the design and proposed conditions imposed by the case officer and would therefore be 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 Prior to the commencement of the hereby permitted development, full written details and samples of the following items and finish shall be submitted to the Local Planning Authority for written approval:

- **Timber boarding**
- **Roof tiles**
- **Joinery details**
- **Rainwater goods**

The proposal shall be carried out in strict accordance with the approved details and thereafter be maintained as such.

Reason: To ensure the proposal is of a satisfactory finish, in order to ensure the character and appearance of the agricultural building and the wider open countryside location are preserved and maintained, in accordance with Herefordshire Unitary Plan policies DR1 and HBA13.

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 F14 (Removal of permitted development rights)

Reason: In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy H18 of Herefordshire Unitary Development Plan.

5 F13 (Restriction on separate sale)

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

- 6 Non Standard (Non Standard Condition) Occupation of the hereby permitted development is restricted to the children, parents or grandparents of the occupiers of the property known as Argus Farm, Dymock Road, Ledbury, Herefordshire.**

Reason: To protect the amenity and privacy of the occupiers of the existing farmhouse in accordance with Herefordshire Unitary Plan policies DR1 and DR2.

- 7 The recommendations set out in the ecologist's report dated November 2008 should be followed in relation to the identified protected species [bats, great crested newts etc], unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a full working method statement – including amended details of the bat and bird boxes to be used should be submitted to and be approved in writing by the local planning authority. The work shall be implemented as approved and maintained thereafter.**

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

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

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

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

INFORMATIVES

- 1 N15 - Reason(s) for the Grant of Planning Permission**
- 2 N19 - Avoidance of doubt - Approved Plans**
- 3 N11A – Wildlife and Countryside Act 1981 (as amended) - birds**
- 27. DCNE0009/0962/F - PUTLEY MILL, PUTLEY, LEDBURY, HEREFORDSHIRE, HR8 2QW.**

Erection of two post and rail fences and timber raised flower bed (part retrospective)

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

Councillor PM Morgan, the Local Ward Member, said that she found no justification to extend the fence at the property but could see merit in retaining the hedge in its existing form. She added that she felt that the fence was not in keeping with the character of the area. She asked that the application be refused on the grounds that it contravened policies DR2 and HBA4 of the Unitary Development Plan.

Several members commented that they could see no purpose for a new fence especially as the existing hedge already adequately separated the dwellings and the fence would not enclose anything.

RESOLVED

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

- 1. The development contravenes policy DR2 of the Unitary Development Plan as it would prejudice the amenity or continued use of adjoining land and buildings.**
- 2. The development would harm the setting of the adjacent listed building contrary to Policy HBA4.**

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

[Following the vote, the Southern Team Leader said that he would not refer the application to the Head of Planning and Transportation]

28. DCNW0009/1254/F - THE LIMES, NORTON CANON, HEREFORDSHIRE HR4 7BP.

General purpose agricultural storage building.

The Principal Planning Officer informed the Sub-committee that no objections had been received from the Conservation Manager.

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. C07 (Dark roof colouring (agricultural buildings))**

Reason: To protect the visual amenities of the area and to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan

- 3. G10 (Landscaping scheme)**

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

4. 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.

Informatives

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

2. N19 - Avoidance of doubt - Approved Plans

29. DCNW0009/1228/F - LAND AT BURCHER WOOD, STANSBATCH, LEOMINSTER, HEREFORDSHIRE, HR6 9LW.

Change of use from agricultural to mixed use domestic leisure/agricultural, retention of existing stables and proposed extension to stables

In accordance with the criteria for public speaking, Ms Davies, the applicant, spoke in support of the application.

Councillor RJ Phillips, the Local Ward Member said that he was satisfied with the proposed conditions in the report and was 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. C08 (Colour of cladding (stables))

Reason: To protect the visual amenities of the area and to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.

3. G02 (Retention of trees and hedgerows)

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

4. G13 (Tree planting)

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

5. F09 (Private use of stables only)

Reason: In order to safeguard the character and amenity of the area and to comply with Policy (specify) of Herefordshire Unitary Development Plan.

Informatives

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

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

Erection of an amateur radio antenna of commercial design (hustler 6btv)

The Southern Team Leader reported that no formal independent statement of compliance had been received from the applicant that clarified the position regarding the safety of the mast, but that officers still believed that there was sufficient evidence present to conclude that the mast would not cause harm to residents of the surrounding area.

Councillor RC Hunt, one of the Local Ward Members, said that he remained satisfied that the mast would have very little visual impact on local residents, although concerns that he had regarding electromagnetic interference still persisted. He said that Network Rail still objected to the development on grounds of railway safety and that the mast would be too close to residential dwellings. As the ICNIRP certificate has not been received, he added that he could not support the application.

Councillor JK Swinburne questioned who would monitor the output of the mast which was designed for commercial operations and said that she could not support the application as the calculations for the mast output were not detailed enough and not independently verified.

The Legal Practice Manager advised that it was normal practise for mobile telephone masts to be given certification that they are safe to operate in any given area. He said that in this case, the communications mast had not been given a certificate.

The Southern Team Leader advised that the item should be deferred until such time that an independent certificate of compliance is issued for the mast.

In response to a concern over the length of time this may take, the Legal Practice Manger said that there could be a time limit imposed on the applicant to produce such a certificate.

RESOLVED

That consideration of the application be deferred in order to obtain independent certification that the communication mast would be safe to operate at the location specified.

31. DATE OF NEXT MEETING

26 August 2009.

The meeting ended at 3.46 pm

CHAIRMAN