

AGENDA

Northern Area Planning Sub-Committee

Date: **Wednesday 29 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
	Councillor JK Swinburne

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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 1 July 2009.	1 - 8
4.	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.	TREE PRESERVATION ORDER - 5 GREEN LANE CRESCENT, YARPOLE. To consider the representations made in relation to the making of a provisional Tree Preservation Order upon trees at 5 Green Lane Crescent, Yarpole and determine whether to confirm the order.	9 - 12
6.	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.	13 - 20
7.	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.	21 - 26
8.	DCNE0009/1061/F - ARGUS FARM, DYMOCK ROAD, LEDBURY, HEREFORDSHIRE, HR8 2HY. Proposed conversion of redundant barn to residential dwelling.	27 - 32
9.	DCNE0009/0962/F - PUTLEY MILL, PUTLEY, LEDBURY, HEREFORDSHIRE, HR8 2QW. Erection of two post and rail fences and timber raised flower bed (part retrospective).	33 - 36
10.	DCNW0009/1254/F - THE LIMES, NORTON CANON, HEREFORDSHIRE HR4 7BP. General purpose agricultural storage building.	37 - 42

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| 11. DCNW0009/1228/F - LAND AT BURCHER WOOD, STANSBATCH, LEOMINSTER, HEREFORDSHIRE, HR6 9LW. | 43 - 48 |
| <p>Change of use from agricultural to mixed use domestic leisure/agricultural, retention of existing stables and proposed extension to stables.</p> | |
| 12. DCNC2009/0453/F - 35 PINSLEY ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8NW | 49 - 56 |
| <p>Erection of an amateur radio antenna of commercial design (Hustler 6BTV).</p> | |
| 13. DCNC2009/0748/F - THE PADDOCKS, NORMANS LANE, STOKE PRIOR, LEOMINSTER, HEREFORDSHIRE, HR6 0LQ. | 57 - 62 |
| <p>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.</p> | |
| 14. DATE OF NEXT MEETING | |
| <p>26 August 2009.</p> | |

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- 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.
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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 1 July 2009 at 2.00 pm

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

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

In attendance: Councillor PGH Cutter

11. APOLOGIES FOR ABSENCE

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

12. DECLARATIONS OF INTEREST

There were no declarations of interest made.

13. MINUTES

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

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

14. ITEM FOR INFORMATION - APPEALS

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

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

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

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

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

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

RESOLVED

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

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

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

2 B01 (Development in accordance with the approved plans)

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

Pre-commencement Requirements:

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

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

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

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

5 C01 (Samples of external materials)

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

6 G09 (Details of Boundary treatments)

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

7 E01 (Site investigation - archaeology)

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

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

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

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

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

9 I33 (External lighting)

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

10 I02 (Scheme of measures for controlling noise)

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

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

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

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

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

iii) Specific details for screening to protect visual amenity.

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

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

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

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

12 G11 (Landscaping scheme - implementation)

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

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

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

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

v) Details and specifications of ancillary equipment including compactors

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

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

vi) Timescales for completion of the scheme

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

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

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

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

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

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy T11 of the Herefordshire Unitary Development Plan 2007.

Restrictions:

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

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

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

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

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

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

- 19 K4 (Nature Conservation - Implementation)**

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

- 20 M13 (Pollution prevention)**

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

- 21 M15 (Car park drainage)**

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

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

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

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

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

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

INFORMATIVES

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

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

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

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

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

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

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

RESOLVED

That planning permission be granted subject to the following conditions:

- 1 A01 (Time limit for commencement (full permission))**
Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
- 2 B01 (Development in accordance with the approved plans)**
Reason. To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy DR1 of Herefordshire Unitary Development Plan.
- 3 H03 (Visibility splays)**
Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.
- 4 H06 (Vehicular access construction)**
Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.
- 5 Before development commences a drawing scaled at 1:50 detailing the construction of the acoustic wall shall be submitted to and be approved in writing by the Local Planning Authority.**
Reason: In order to protect the amenity of occupiers of nearby properties so as to comply with Policy DR13 of Herefordshire Unitary Development Plan.
- 6 The building shall be enclosed with sound insulating materials in accordance with a scheme to be submitted to and approved in writing by**

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

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

7 I24 (Standard of septic tank/soakaway system)

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

Informatives

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

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

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

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

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

RESOLVED

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

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

18. DATE OF NEXT MEETING

29 July 2009.

The meeting ended at 3.00 pm

CHAIRMAN

5 TREE PRESERVATION ORDER, 5 GREEN LANE CRESCENT, YARPOLE

Report By: Head of Planning Services

Wards Affected

Bircher

1. Purpose

To consider the representations made in relation to the making of a provisional Tree Preservation Order upon trees at 5 Green Lane Crescent, Yarpole and determine whether to confirm the order.

2. Order Description and Details

2.1 This Order concerns 3 individual trees within the rear curtilage of 5 Green Lane Crescent.

They comprise:

T1 - Oak (*Quercus robur*)

T2 – Scots Pine (*Pinus sylvestris*)

T3 – Silver Birch (*Betula pendula*)

2.2 The Order was made on 19 March 2009

2.3 The Council's tree amenity valuation rating scored these individual trees with values at 18, 18 and 17 respectively. The benchmark rating for inclusion within a TPO is 15. Their particular characteristics included – their height in relation maturity, form, prominence and suitability.

2.4 The reasons for making the order were:

“The trees within the order are considered to contribute to the amenity and character of the settlement of Yarpole, the boundary between the settlement and open countryside, the setting of properties and the general street scene of Green Lane Crescent. The Council considers it expedient to protect these trees and the contribution they make to the quality of the area as a precautionary measure in response to information relating to their possible felling”.

3. Background

3.1 A local resident alerted the Council to the possible threat of felling to one of the trees (oak) and an inspection was carried out to ascertain the importance. The assessment identified three trees within the curtilage as being worthy of protection. The inclusion of the three trees was considered expedient in order to ensure ongoing arboricultural content and quality within the vicinity.

3.2 The Order was made under emergency procedures in accordance with section 198, 201 & 203 of the Town and Country Planning Act 1990.

4. Policies

4.1 Herefordshire Unitary Development Plan states:-

“Policy LA5 Protection of trees, woodlands and hedgerows

The enhancement and protection of individual trees, tree groups, woodlands and hedgerows will be secured by:

1. Placing Tree Preservation Orders where necessary on trees, groups of trees and woodlands of amenity value, and making use of hedgerow protection legislation;
2. Resisting proposals that would cause loss or damage to trees, hedgerows or woodlands which are worthy of retention. In particular proposals affecting protected trees will be subject to rigorous examination and only permitted where the development is in the public interest. Where the felling of protected trees is accepted replacement planting will be sought;”

5. Representations

- 5.1 The owners of the tree are concerned about the height of the oak tree, its proximity to their house and that of their neighbour, the shading effect it has on the property including the extent to which it covers their rear garden. The branches also overhang their neighbour’s roof. They also refer to problems relating to acorns that stop grass from growing and the need to clear them and disposal. They are also concerned about the potential for root problems that might undermine their house and their neighbours, including any resultant liability.
- 5.2 A letter of objection has been received from S and R Harrison of 7 Green Lane Crescent, Yarpole. The objection refers to problems resulting from the large amount of leaves dropping, including the potential danger from pathways becoming slippery where they fall. They also refer to the owner’s intention to replace the oak tree with a more appropriate alternative. In addition Mr R Shaw of 3 Green Lane Crescent advises that he would have no objection to the complete removal of all or any of the trees covered by the Order
- 5.3 P J Jennings and Associates express belief on behalf of an undisclosed client that the oak tree is a fine specimen and most worthy of saving.

6. Officer Appraisal

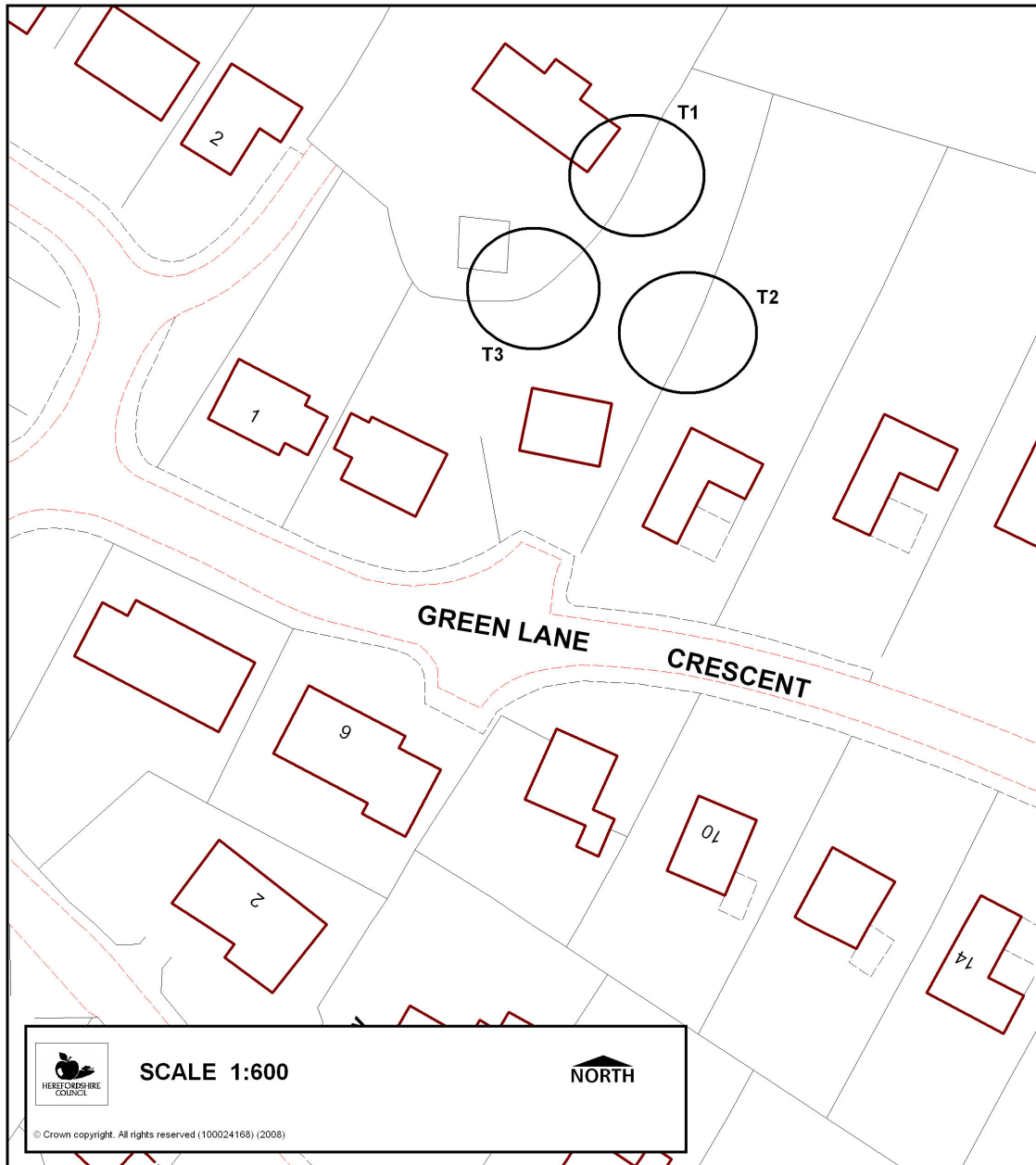
- 6.1 Although the trees proposed for protection are located to the rear of the property they are prominent. They are of good form. The oak and Scots Pine have a long life expectancy of over 100 years. The Silver Birch of between 15 and 40 years.
- 6.2 The site containing the trees is located to the north west of the village of Yarpole, outside the historic core and Conservation Area, in a cul-de-sac of detached single and two storey dwellings. The surrounding landscape is of gently undulating mixed agricultural character with numerous dense hedgerows and hedgerow trees. The garden of 5 Green Lane Crescent – part of a mid 1970s extension to the settlement – backs onto open countryside. While the landscape contains a number of significant trees and other vegetation, the boundary between the housing estate and countryside at this point is sensitive to change, and particularly ‘domestication’. Within this context the trees are considered to make a significant contribution to the public amenity of the area, in particular the street scene, and are in good general health and condition. They are also important in terms of mitigating the effect of development on the boundary between the settlement and open countryside.
- 6.3 In relation to the objections there must be an acceptance that a degree of inconvenience be accepted in order to ensure trees are retained for the benefit of local amenity. Case law suggests that leaf litter and fruit fall form part of ‘normal household maintenance’. In addition, should this principle not be accepted then there would be a significant loss of trees within settlements and the harsh outline of buildings will dominate to an even greater extent. This is particularly important along the edges of our villages where there is a need for native trees to

mitigate the impact of modern development. There is no indication that the levels of leaf or fruit drop on properties are higher than normal levels.

- 6.4 It should be possible to mitigate the impact of some shading and overhang on to the neighbour's roof by works agreed through the application process. The owners have made an application to do works to the oak tree, and permission has been granted to a crown lift the tree to 8m above ground level and remove some secondary branches, which should reduce the impact on the property and garden.
- 6.5 There is no evidence that roots are causing any structural problems to either the owners' property or that of their neighbours. Should it arise an application for works to trees covered by a TPO to seek a solution to this matter can be submitted.
- 6.6 There is no right of appeal against the confirmation of a Tree Preservation Order. Application can be made to do works to any of the trees under the Order and if the Council refuse this then the applicant can appeal to the Secretary of State.

RECOMMENDATION

THAT Tree Preservation Order at 5 Green Lane Crescent be confirmed without modification.



TREE PRESERVATION ORDER

GRID REFERENCE: 346746 265068

OS REFERENCE: SO4626

LOCATION DESCRIPTION: 5 Green Lane Crescent,
Yarpole,
Herefordshire, HR6 0BQ

PRINTED DATE:

AUTHORISED OFFICER:

COUNCIL SEAL

6 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

Introduction

This application was originally reported to the North Area Planning Sub Committee on 1 July 2009. Members resolved to visit the site prior to making a determination. The site visit took place on Tuesday 14 July 2009. The application is now being re-reported to Members for determination.

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 23 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

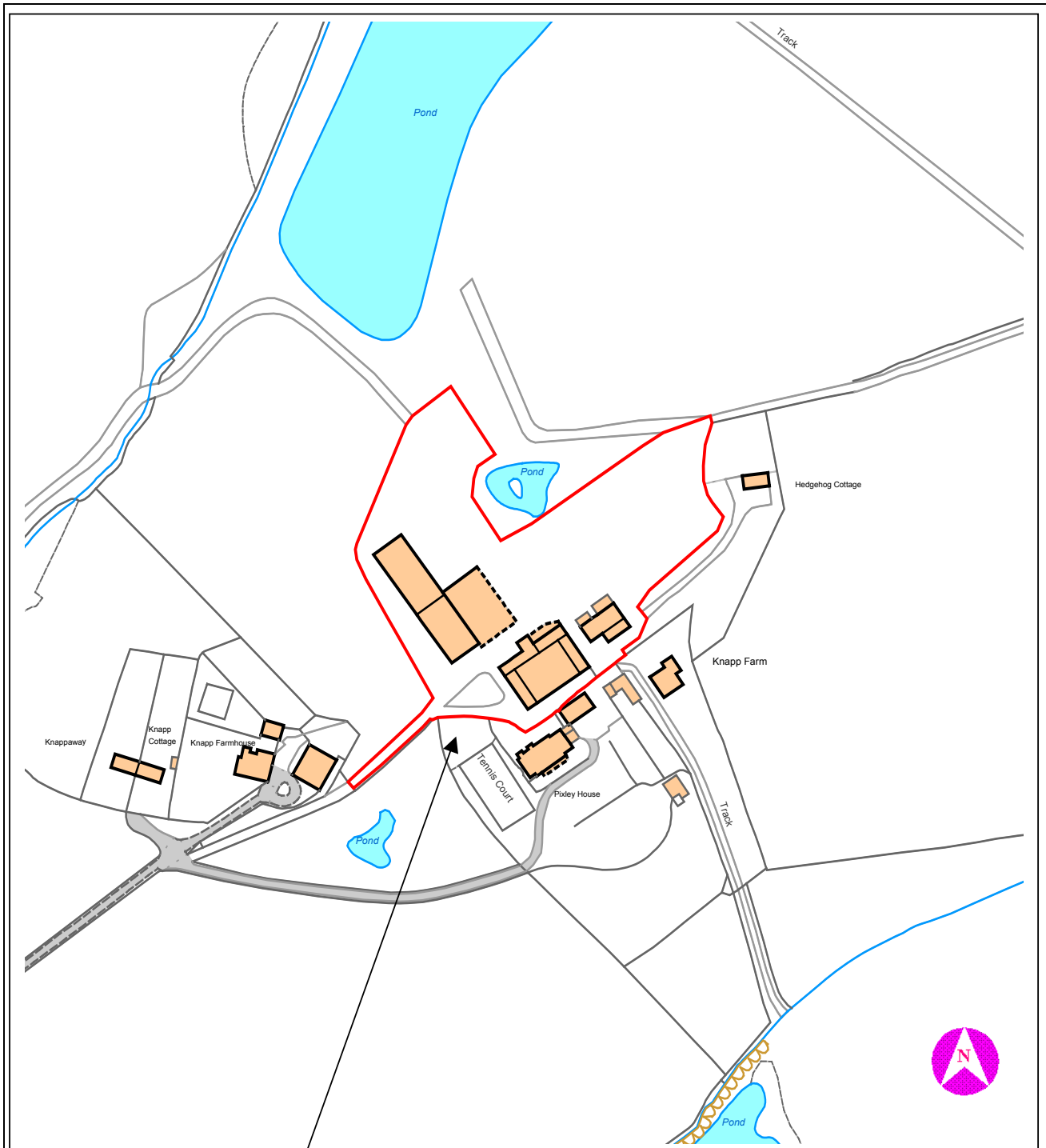
Decision:

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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7 DCNE2009/0906/F - ERECTION OF TWO POLYTUNNELS, THE CREATION OF A POND AND THE ERECTION OF AN AGRICULTURAL STORAGE BUILDING AT MIRROR BROOK SMALLHOLDING, STONEY CROSS, CRADLEY, MALVERN, WORCESTERSHIRE, WR13 5JB.

For: Mr A Parkhill per Merrington Project Services Ltd, 9 Merrington House, 9 The Green, Cutnall Green, Droitwich, WR9 0PW.

Date Received: 24 April 2009

Ward: Hope End

Grid Ref: 72409, 47405

Expiry Date: 19 June 2009

Local Member: Councillors RV Stockton and R Mills

1. Site Description and Proposal

1.1 The application site that has an area of some 1.53 hectares is located on the southern side of the A4103 immediately to the west of the B4220. The eastern boundary of the site adjacent to the B4220 has a strong hedgerow. There is an existing vehicular access onto the A4103. The land slopes from east up to the west. It falls to the south.

1.2 The land is used for agricultural purposes (including horticulture). In essence the site is a smallholding where the applicant:-

- Cultivates plants and trees to provide stock for the applicant's landscape business. It must be noted that it is not proposed to create a garden centre retailing to visiting members of the public.
- Grows vegetables to provide seasonal boxes to the public and to local restaurants and public houses.
- Intends to keep chickens.
- Rears a small number of pigs.
- Intends to grow vines with a view to supplying a winery; and
- Intends to keep alpacas for wool production.

1.3 Whilst the land is used for agricultural purposes the applicant does not claim that it is currently actively used for the purposes of a trade or business. The activities upon the site are probably best described as a hobby.

1.4 The proposal under consideration involves three distinct elements:-

- The erection of two polytunnels to the west of the vehicular access. These would be orientated in a north - south alignment. Each polytunnel would have a length of 15.5 metres, a width of 9.6 metres and a height of 3.3 metres. These would be used to grow plants on from seed and bring them on.
- The erection of a secure agricultural store. This would be located immediately to the east of the existing internal access track at its southern end. The building would have a width of 8.6 metres, a depth of 5.7 metres, a height to eaves of 2.3 metres and a height to ridge of 5.6 metres. This building would allow for the storage of equipment, implements, feed and any agricultural vehicle required. It would also provide a secure store for any chemicals /

Further information on the subject of this report is available from Mr R Close on 01432 261803 Ext 1803

pesticides required. A WC would be provided within the building for use by any person working on the holding. The foul sewage would be disposed of via a connection to the mains sewer that runs through the site.

- A pond would be created towards the south-eastern corner of the site to provide facilitate the growing of aquatic plants; and
- The surface water would be disposed of via a soakaway.

1.5 It must be stressed that the originally proposed wind turbine and animal shelter have been omitted from the scheme.

2. Policies

Central Government advice

2.1 Planning Policy Statement 1 – ‘Delivering Sustainable Development’
Planning Policy Statement 7 – ‘Sustainable Development in Rural Areas’

Herefordshire Unitary Development Plan 2007

Policy E13 – Agriculture and forestry development
Policy LA2 – Landscape character and areas least resilient to change

3. Planning History

3.1 DCNE2003/2408/F - To create a market garden and fish rearing enterprise for horticultural and agricultural use. Create wildlife conservation area, new polytunnel and potting shed - Withdrawn

4. Consultation Summary

Statutory Consultations

4.1 Severn Trent Water - no objections subject to condition.

Internal Council Advice

4.2 Minerals & Waste Officer - no objection to pond.

Conservation Officer - no objections.

4.3 With regard the proposals that now under consideration the views of the County Land Agent are summarised as follows:-

4.4 The Agricultural Storage Building - this is considered to be reasonably necessary bearing in mind the rate of theft of small tools, mowers etc., that are being kept on the site. It is also necessary to have a lock-up store for any chemicals, either sprays or drenches for stock, etc, that are kept on the site. A toilet is also considered necessary.

4.5 Pond - It is reasonable to create a pond to facilitate the growing on of aquatic plants.

4.6 Polytunnels - it would seem reasonable to use polytunnels for propagating and for bringing on young plants. It is somewhere to work in the dry in the winter although the tunnels are of no great size. It is surprising how many plants it is possible to propagate in a small area if well looked after.

- 4.7 Amey Consulting have advised that the soakaway proposed is a satisfactory solution to the surface water drainage issue.
- 4.8 The Transportation has no objection to the proposed development.
- 4.9 The Conservation Section has no objection to the proposed development with regard the impact upon the setting of the listed building in the vicinity (Birch Cottage).

5. Representations

5.1 The Cradley Parish Council object on the following summarised grounds:-

- Increased run-off of water.
- Concern with regard chemical run-off.
- Concerns with regard increased traffic and the safety of the access.
- Concerns that there could be an application at a future date for a dwelling.
- Concerns with regard visual impact.
- Concerns as to potential overstocking.

5.2 The views of Cradley Parish Council on the amended scheme are awaited.

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

- An increase in livestock would generate an unacceptable level of odour.
- Concerns with regard surface-water drainage.
- Concerns with regard swine-flu and other health related matters.
- Concerns as to adequacy of the existing vehicular means of access.
- Potential pollution of a water course.

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

6. Officer's Appraisal

6.1 Development Plan policies do allow for the developments that are reasonably necessary for agricultural purposes. In this regard Members attention is drawn to the advice summarised above from the County Land agent who considers the agricultural storage building, the two polytunnels and the pond to be reasonably necessary. Negotiations through the processing of this application have secured the removal of the animal shelter building and wind turbine from the submitted scheme.

6.2 The site does not lie within the Malvern Hills area of Outstanding Natural Beauty. However, the structures would be visible from public vantage including the two neighbouring roads. Nevertheless the structures are considered to be appropriately sited and designed. They are modest structures in terms of their size and are functional in nature.

6.3 The foul sewage is to be dealt with by way of a connection to the mains sewer and surface water drainage is to be dealt with by way of a soakaway. Details of that soakaway design have been audited by Amey Consulting on behalf of the Council who are satisfied with the proposed design. It is acknowledged that there may be surface water drainage issues in the area and in this regard the Highways Section will be separately looking at the maintenance of highway drains in the area.

- 6.4 Planning permission is not required to use land for agricultural / horticultural purposes. The access onto the A4103 exists and is lawful. No change of use is proposed that would result in an intensification of use of the existing access. Therefore the safety, or otherwise, of the existing access is not a matter to be considered. Certainly, however, if there were to be any future proposal to change the use of the site or introduce an alternative use (other than agriculture), the issue as to potential intensification of use of the vehicular access together with highway safety impacts would need to be addressed.
- 6.5 In the event of there being any pollution incident including the pollution of a water course that would be a matter to be addressed by the Environmental Health Section and the Environment Agency. Matters relating to the keeping of pigs and the potential transmission of viruses to the human population are not a matter for the Planning Authority.
- 6.6 Given that the use of land for agriculture does not require planning permission, the Local Planning Authority cannot control stocking densities. However, the case Officer has not noticed more than fifteen pigs and a few hens upon the site.
- 6.7 I recommend accordingly and draw Members attention to the conditions.

RECOMMENDATION

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.

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

8 DCNE0009/1061/F - PROPOSED CONVERSION OF REDUNDANT BARN TO A RESIDENTIAL DWELLING. ARGUS FARM, DYMOCK ROAD, LEDBURY, HEREFORDSHIRE, HR8 2HY.

For: Mr R Phillips per Bruton Knowles, Bisley House, Green Farm Business Park, Bristol Road, Gloucester, GL2 4LYL.

Date Received: 12 May 2009 Ward: Ledbury Grid Ref: 70968, 35339

Expiry Date: 7 July 2009

Local Member: Councillors JK Swinburne, PJ Watts and ME Cooper.

1. Site Description and Proposal

- 1.1 The application site, accessed from the Dymock road, is located in open countryside, outside of and some distance from Ledbury.
- 1.2 The application site comprises a farm house and associated curtilage, which contains a large barn which has a timber framed section, which has been rebuilt with block and brick and is in a poor state of repair, and a later Victorian brick element.
- 1.3 Adjacent is a B class use building which currently is occupied by Lock Stock and Barrel.
- 1.4 The proposal is for the conversion of the brick part of the barn to form a residential annex.

2. Policies

Herefordshire Unitary Development Plan:

S1	–	Sustainable Development
DR1	–	Design
DR2	–	Land use and activity
H13	–	Sustainable residential design
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
HBA12	–	Re-use of rural buildings
HBA13	–	Re-use of rural buildings for residential purposes

Re-use and adaptation of rural buildings, Supplementary Planning Guidance (July 2004)

3. Planning History

DCNE2008/0842/F - Conversion of agricultural buildings to form four number dwellings and associated curtilage - Refused

4. Consultation Summary

Statutory Consultations

- 4.1 None required.

Internal Council Advice

- 4.2 The Council's Highways department makes no objection to the proposal.
- 4.3 The Council's Conservation Officer makes no objection to the proposal, noting the pre-application discussions, which took place and considers the scheme is acceptable. The Conservation Officer and recommends a number of conditions if approval is granted relating to external materials and details.
- 4.4 The Council's Ecologist makes no objection to the proposal, however, recommends a number of conditions and replacing the proposed bat boxes with bat bricks that would fit in with the character of the building more appropriately or finding alternative locations.

5. Representations

- 5.1 Donnington Parish Council makes no objection.
- 5.2 Ledbury Town Council objects to the proposal on ecology grounds, raising concern over the impact upon Barn Owls, and nesting bats. The impact on the existing employment use is also raised.
- 5.3 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 proposal follows the pre-application advice and negotiations with Planning and Conservation Officers which followed the refusal of planning application NE08/0842/F. This proposal scales the proposal down, is now an annex created from the brick element, rather than the previous attempts of a residential conversion scheme incorporating all existing agricultural buildings.
- 6.2 The barn has had a marketing exercise undertaken along with also placed on the Council's property register. The unit was offered for rental, however no significant interest has come forward in regards an economic use. The Officer is satisfied that a genuine attempt has been made to source an economic use for the building and therefore the proposed residential use is acceptable as per policy.
- 6.3 The approach taken in creating an annex rather than an independent dwelling is in regards to the issues of privacy and amenity with the existing farmhouse along with structural problems with the timber section of the building. This proposal secures an acceptable planning use for this building worthy of preserving.
- 6.4 An annex is subservient and provides additional accommodation to an existing dwelling with a planning condition limiting occupancy and sale. The lower levels of privacy and amenity are considered acceptable given the relationship between the occupiers of the house and annex.
- 6.5 This relationship would however be unacceptable if the proposal was for an independent dwelling, or if the annex was ever subject of an application to create an individual house.
- 6.6 It is considered that the annex would not be capable of creating a separate residential unit given the privacy issues with the houses proximity. The annex is subordinate to the farmhouse, and

shares the curtilage and parking provision of the farmhouse rather than having its own formal allocation.

- 6.7 The existing barn is a curtilage building within the residential curtilage of the farmhouse and therefore could lawfully be used for an ancillary residential use without formal planning consent. This application formalises that whilst allowing the Local Planning Authority to put controls in place to prevent the introduction of a dwelling via certificate of lawful use processes.
- 6.8 In response to concerns over the intended use and impact upon the adjoining business, the curtilage has been reduced. The application is now only considering the barn itself and no curtilage is allocated to it. This safeguards the curtilage of the business adjacent whilst also negating the ability of the annex to be divorced from the farmhouse or to function independently of the farmhouse and its curtilage area.
- 6.9 The Conservation Officer has continually stated that this element of the existing agricultural buildings is capable and worthy of conversion, however the rest of the unit is not, given its poor state of repair and adhoc repairs. This led the reasons of refusal for the previous applications and is why the other timber framed structure does not form any part of the application.
- 6.10 The issue of protected species has adequately addressed within the ecologist report and the conditions attached ensure compliance with the relevant local policies and national legislation.

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 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

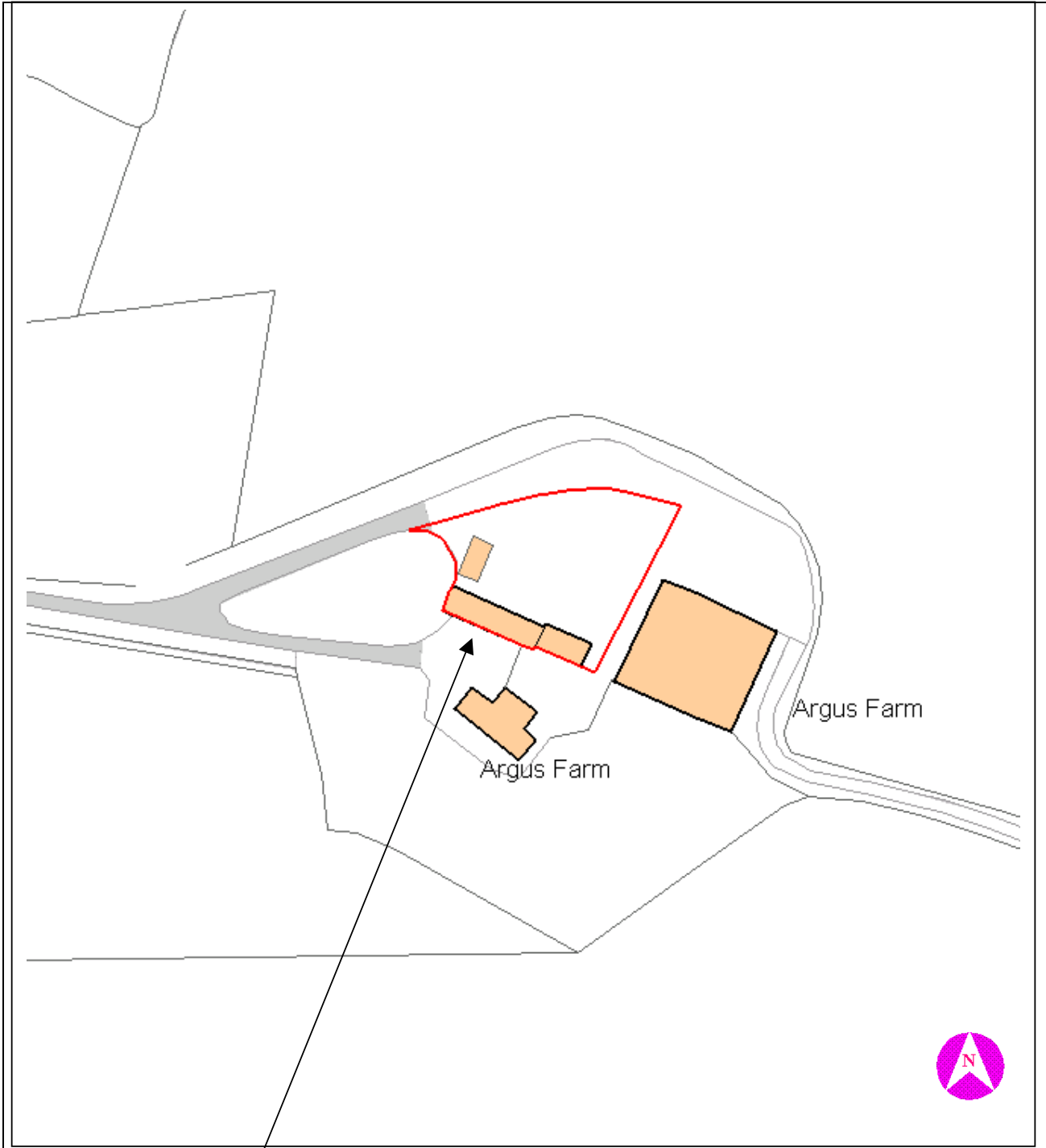
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNE0009/1061/F

SCALE : 1 : 1250

SITE ADDRESS : Argus Farm, Dymock Road, Ledbury, Herefordshire, HR8 2HY

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9 DCNE0009/0962/F - ERECTION OF TWO POST AND RAIL FENCES AND TIMBER RAISED FLOWER BED (PART RETROSPECTIVE) PUTLEY MILL, PUTLEY, LEDBURY, HEREFORDSHIRE, HR8 2QW.

For: Mr G Gwenlan per Tudor Design, Manaakitanga, Hillend Barn, Rushall, Ledbury, HR8 2PB.

Date Received: 1 May 2009

Ward: Frome

Grid Ref: 64832, 37579

Expiry Date: 26 June 2009

Local Member: Councillor PM Morgan

1. Site Description and Proposal

- 1.1 The application site is located in open countryside, near the hamlet of Putley, accessed from the C1303 or via public footpath.
- 1.2 The application site comprises the restored mill, which is a listed building and forms a dwelling with associated curtilage, which includes a number of outbuildings. Adjacent is Mill Cottage, also a listed building.
- 1.3 The proposal is for the retention and erection of a post and rail fence.

2. Policies

Herefordshire Unitary Development Plan:

S1 – Sustainable Development
 DR1 – Design
 DR2 – Land use and activity
 HBA4 – Setting of listed buildings

3. Planning History

- 3.1 DCNE2008/2900/F - Proposed post and rail fence - Withdrawn

4. Consultation Summary

Statutory Consultations

None required

Internal Council Advice

- 4.1 The Council's Highways department makes no objection to the proposal.
- 4.2 The Council's Conservation Officer makes no objection to the proposal, noting the pre-application discussions, which took place and considers the scheme is acceptable.
- 4.3 The Council's PROW Officer makes no objection to the proposal.

5. Representations

5.1 Putley Parish Council objects to the proposal on the following grounds:

- Out of keeping with the listed building
- Proposal serves no useful function

5.2 One letter of objection has been received from a neighbour, Ms S Webster, Mill Cottage, Putley, who objects on the following grounds:

- Proposal would impede access to property
- Prevents legal maintenance of wall
- Interference with adjoining land uses
- Impact upon the character and setting of the listed building

5.3 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 proposal follows the pre-application advice and negotiations with Planning and Conservation Officers which followed enforcement complaints which led to application NE2008/2900/F. This previous application was withdrawn on advice of Planning Officers as a number of issues were not resolved. This application now clarifies the situation.

6.2 The proposed post and rail fence is in two parts, comprising untreated timber. This fence delineates the applicant's driveway, ensuring users of the PROW do not come to harm over the significant drop in land levels across the curtilage area. The fence in front of the wall serves as a support to the growing of a jasmine hedge. A raised flower bed within the curtilage is also proposed as part of this application and is located on the outskirts of the hard-surfaced drive area.

6.3 The main issues are the impact of the proposal upon the adjacent PROW, and also the character and setting of the listed buildings Putley Mill and Mill Cottage adjacent.

6.4 The PROW Officer has been instrumental in pre-application advice to the applicant and Planning Department in respect of the proposals impact upon the enjoyment of the PROW. No objection has been made from this department and therefore the proposal is considered not to compromise the PROW and its use.

6.5 The Conservation Officer also has been involved at pre-application and enforcement stages and again makes no objection to this proposal.

6.6 In respect of the issues of access and maintenance of the occupiers of Mill Cottage, this is a civil matter. It is acknowledged the post and rail fence opposite the access into Mill Cottage and the permitted car port could be awkward, however Highways confirm the proposal is acceptable. In regards the issue of maintenance of the wall, other legislation enforces the neighbours rights to maintain their property. The applicant has also confirmed in writing that the fence will be removed as requested maintenance purposes.

6.7 The extent of the proposed fence in front of Mill Cottage is a 3 metre section and such that potentially an argument that it is diminimus could be mounted, and this is not an enclosure. However the application attempts to regularise the arrangements.

6.8 The proposed raised flower beds raise no concerns.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

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

- 2. **The post and rail fence shall not be treated with any stain or colour unless agreed in writing the Local Planning Authority.**

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 HBA4.

- 3. **In the event of the jasmine planting dieing or being removed, that section of fence, as referenced 'fence 2' on the approved plans shall be removed.**

Reason: To safeguard the character and setting of the Grade II listed buildings, in accordance with UDP policies DR1 and HBA4

Informatives

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

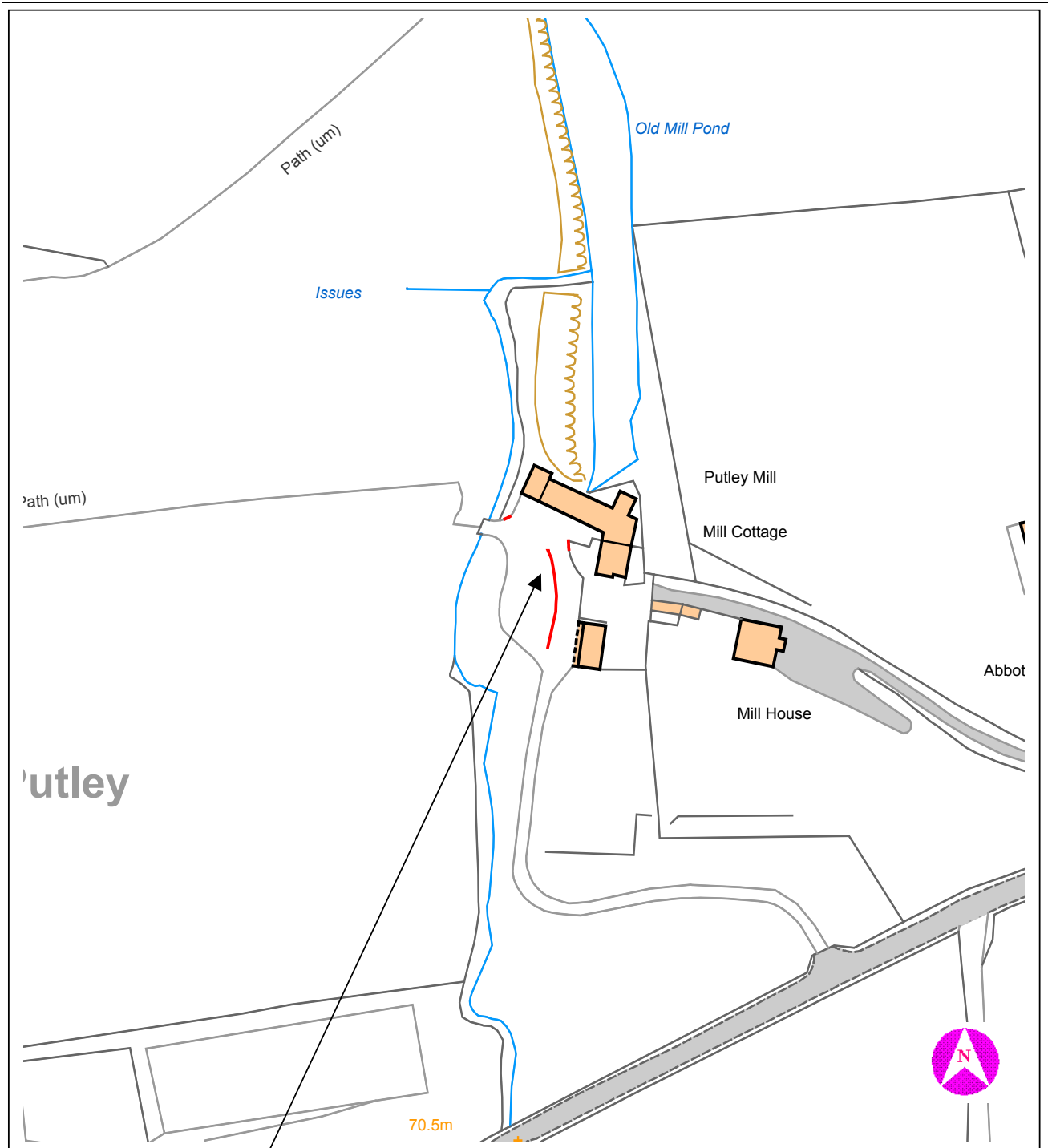
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNE0009/0962/F

SCALE : 1 : 1250

SITE ADDRESS : Putley Mill, Putley, Ledbury, Herefordshire, HR8 2QW

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10 DCNW0009/1254/F - GENERAL PURPOSE AGRICULTURAL STORAGE BUILDING AT THE LIMES, NORTON CANON, HEREFORDSHIRE HR4 7BP.

For: Mr D W Palliser per Andrew Last MCIAT, Brookside Cottage, Knapton Green, Hereford, Herefordshire, HR4 8ER.

Date Received: 4 June 2009

Ward: Castle

Grid Ref: 36831, 47829

Expiry Date: 30 July 2009

Local Member: Councillor JW Hope MBE

1. Site Description and Proposal

- 1.1 The site for the proposed development is situated on the southern fringe of a working farmyard, on part of a site of a dismantled railway line to which there are no clear visual signs of its situation on the application site itself. However, the site adjoins the C1087 public highway alongside its eastern elevation, and on opposite side of this public highway to the application site, there is clear signs of the dismantled railway line in the form of a railway cutting/embankment.
- 1.2 Otherwise the site is surrounded by agricultural land in the control of the applicant. To the immediate west of the application site is a small mature tree plantation planted as a small bankland plantation demonstrating where the former railway line ran.
- 1.3 The application proposes construction of a steel framed, general purpose agricultural building with a floor space of approximately 250 square metres (measured externally) on the site of an existing temporary polytunnel, used for housing of sheep during the lambing season in accordance with information in support of the application.

2. Policies

2.1 Herefordshire Unitary Development Plan:

Policy S1	-	Sustainable development
Policy S2	-	Development requirements
Policy DR1	-	Design
Policy DR2	-	Land use and activity
Policy DR3	-	Movement
Policy DR4	-	Environment
Policy E13	-	Agricultural and forestry development
Policy E15	-	Protection of Greenfield land
Policy LA2	-	Landscape character and areas least resilient to change
Policy NC1	-	Biodiversity and development

2.2 Planning Policy Statement 7: Sustainable development in rural areas

3. Planning History

- 3.1 DCNW2009/0423/S - General purpose agricultural building. Refused 31st March 2009.

- 3.2 DCNW2004/2952/F - Renewal of planning permission NW2003/1840/F for temporary mobile home. Approved 19th October 2004.
- 3.3 DCNW2004/1236/F - Agricultural workers dwelling. Approved 11th August 2004.
- 3.4 DCNW2004/0010/F - Agricultural workers dwelling and detached garage block. Refused 1st March 2004.
- 3.5 DCNW2003/1840/F - Renewal of permission for temporary mobile home - DCNW2000/0965/F. Approved 22nd August 2009.
- 3.6 DCNW2002/3205/F - Amendment to planning permission ref DCNW2000/1165/F - from two buildings to one (retrospective). Approved 7th April 2003.
- 3.7 DCNW2000/1165/F - New agricultural buildings. Approved 12th July 2000.
- 3.8 DCNW2000/0965/F - Temporary mobile home. Approved 12th July 2000.

4. Consultation Summary

Statutory Consultations

- 4.1 None required

Internal Council Advice

The Landscape Manager: No response received at time of writing this report.

5. Representations

- 5.1 Norton Canon Parish Council:

“No objection”

- 5.2 Two letters of objection have been received from:

- Mr David Lovelace, Pool Cottage, Norton Canon
- Mr Michael Cole, Brick House Farm, Norton Canon

The letters can be summarised as follows:

- No agricultural justification for the proposed development
- The proposed building will have a negative impact on the surrounding landscape

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

6. Officer's Appraisal

- 6.1 The key issues with regard to this application are:

- Justification for a new building
- Impact on the surrounding landscape

Justification for a new building

- 6.2 The application proposes a steel framed open-fronted general purpose agricultural building with a floor area of approximately 250 square metres, designed as such that it would be ideal for the housing of sheep during the lambing season, hence replacing an existing polytunnel structure on site to which information submitted in support of the application indicates is used for housing of sheep during the lambing season.
- 6.3 As such the proposed development is ideal for this use, providing as it will, adequate circulation of air through the proposed open fronted southern elevation. It is noted existing buildings in the farm complex situated to the north of the application site do not provide such open airy accommodation.

Impact on the surrounding landscape

- 6.4 The site for the proposed development is on the site of a dismantled railway line, of which there is no evidence of its former use, the site at some point in its history having been completely cleared of the former railway line and its earthworks and replaced with a small woodland plantation to the west of the application site, this plantation currently in its infancy and therefore the proposed development (although partly situated within a small section of its area) will have very minimal impact.
- 6.5 To the east of the application site the dismantled railway line is clearly evident in the form of a railway embankment/cutting, to which the proposed development will have no significant impact upon, due to the site being divided from it by the C1087 public highway.
- 6.6 The applicant, subject to application ref: DCNW2009/0423/S for agricultural notification prior approval, sought the Council's approval for an agricultural building alongside this railway embankment, on opposite side of the public highway to the existing farmstead.
- 6.7 This request was refused permission in consideration of the negative impact the proposed development would have on the character of the surrounding landscape creating further sporadic clutter in the open countryside, being on a site divorced from the main farmyard complex.
- 6.8 It is considered the site subject to the current application is much more suitable for this form of development, being as it is adjacent to the existing farm complex, with no significant impact on the amenity and privacy of dwellings outside the control of the applicant, on a site which will have less impact on the present dismantled railway landscape character, than that of the previous proposal.
- 6.9 The existing tree plantation to the west of the application site is in its infancy, and as such impact on these trees will be very minimal, in fact, they will help to integrate the proposed development into the surrounding countryside by means of a ready-made tree screening alongside the western elevation of the application site. The northern side is screened by the existing farmyard complex and the eastern side is separated by the C1087 public highway.
- 6.10 Further inspection of the farmstead and its immediate surroundings have revealed that the applicant is very restricted in where he can site a new building, in consideration of impact on adjacent dwellings outside of his control, and it is also considered that the surrounding land topography is of such that development on any of the surrounding land will have a more negative impact on the surrounding landscape character.

Therefore if members consider the justification for the proposed development adequate it is recommended that planning permission be granted subject to the following conditions.

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. **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**

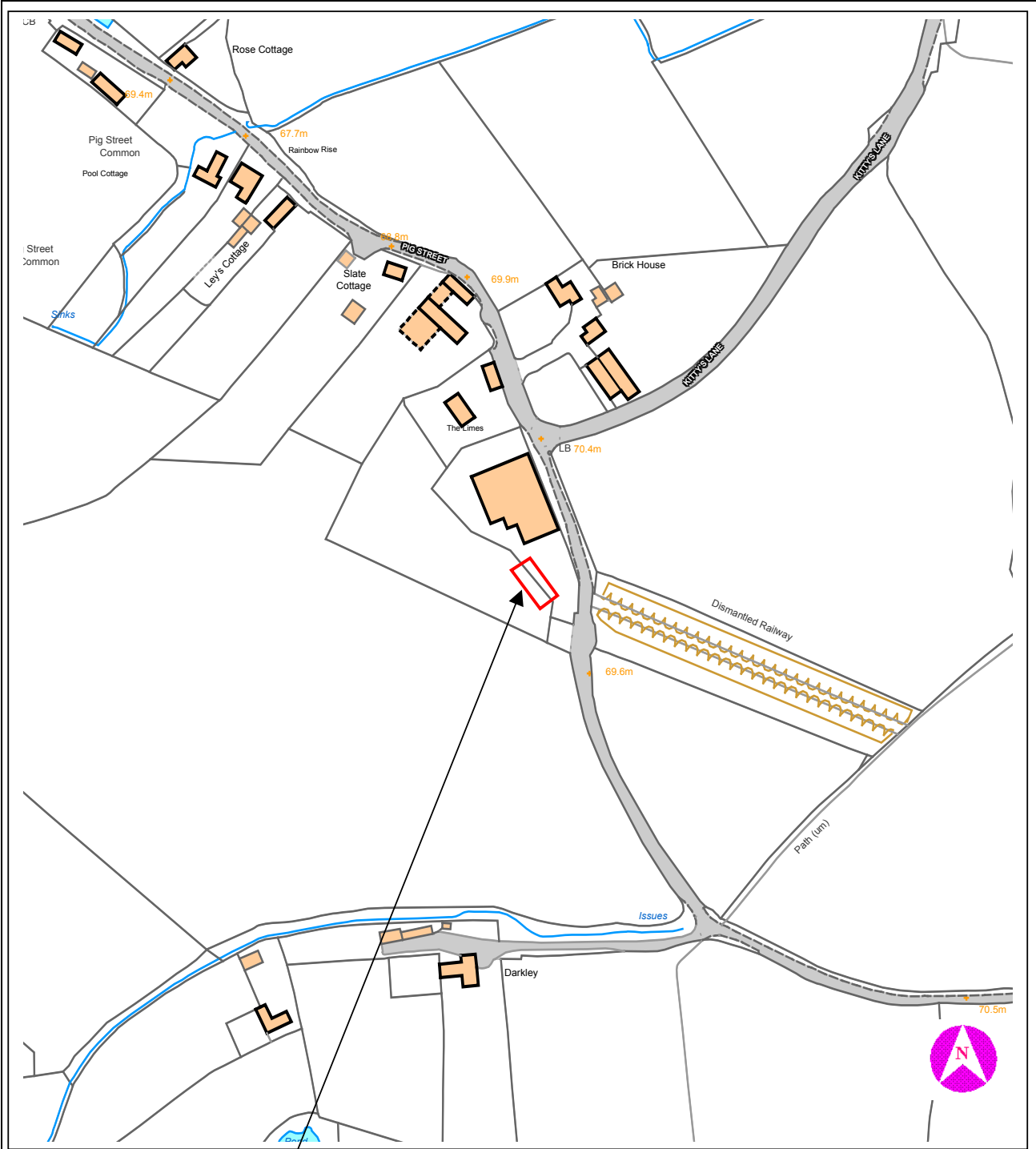
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW0009/1254/F

SCALE : 1 : 2500

SITE ADDRESS : The Limes, Norton Canon, Herefordshire HR4 7BP

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11 DCNW0009/1228/F - CHANGE OF USE FROM AGRICULTURAL TO MIXED USE DOMESTIC LEISURE/AGRICULTURAL, RETENTION OF EXISTING STABLES AND PROPOSED EXTENSION TO STABLES ON LAND AT BURCHER WOOD, STANSBATCH, LEOMINSTER, HEREFORDSHIRE, HR6 9LW.

For: Ms J Twiston-Davies Well Cottage, Raddhurst, Presteigne, Powys, LD8 2LH.

Date Received: 5 June 2009 Ward: Pembridge & Lyonshall with Titley Grid Ref: 33328, 61471

Expiry Date: 31 July 2009

Local Member: Councillor RJ Phillips

1. Site Description and Proposal

- 1.1 The site is located in open countryside adjacent to the B4355 public highway, which is located alongside the application site's eastern boundary. Alongside the application site's western boundary is deciduous woodland.
- 1.2 Application is 'retrospective' for change of use of agricultural land to mixed use of domestic/leisure/agricultural along with the retention of a recently constructed stable to which the application proposes an extension to be used as a hay store to replace an existing garden shed currently in situation.

2. Policies

2.1 Herefordshire Unitary Development Plan:

Policy S1	–	Sustainable development
Policy S2	–	Development requirements
Policy S8	--	Recreation sport and tourism
Policy DR1	–	Design
Policy DR2	–	Land use and activity
Policy DR3	–	Movement
Policy DR4	–	Environment
Policy E15	–	Protection of Greenfield land
Policy LA2	–	Landscape character and areas least resilient to change
Policy NC1	–	Biodiversity and development

2.2 Planning Policy Statement 7: Sustainable development in rural areas.

3. Planning History

3.1 None

4. Consultation Summary

Statutory Consultations

4.1 None required.

Internal Council Advice

4.2 The Transportation Manager raises no objection to the proposed development, although advises that hedges on the entrance to the site from the public highway are dipped back to maximise visibility from the access in both directions.

5. Representations

5.1 Staunton-on Arrow Parish Council have responded stating:

"Considerable local concern regarding this application for change of use was expressed. The Application seems unclear in this mixed usage, which worries the community and the Parish Council. On this bases the Parish Council is minded to object to this application."

5.2 Two letters of comment/objection have been received from:

- Mr Douglas Crowley, Highland Farm, Stansbatch
- Dr Roger and Mrs Jackie Pietroni, Ashley Farm, Stansbatch

The key issues raised can be summarised as follows:

The application site is in a rural open and undeveloped area and the building that was erected in 2007 on this land detracts considerably form the beauty of the landscape to which it has a negative impact upon.

If planning permission is granted there should be restrictive conditions attached to any approval notice subsequently issued to prevent further expansion, such as commercial use of the site, and a requirement for additional landscaping in the form of tree screening.

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

6. Officer's Appraisal

6.1 The key issues with regard to this application are:

- Impact on the surrounding landscape
- Use of the site

Impact on the surrounding landscape

6.2 The application site is located in open countryside from which there are far ranging views in an easterly direction. The western elevation is screened by woodland known as Weobley – Ash Wood.

6.3 The building (already constructed on site) is a timber framed and clad structure divided into two separate stable units with a floor area of approximately 27-38 square metres (measured externally) on an elevated site above the adjacent B4355 public highway from where it can be easily viewed from.

6.4 Adjacent to the western side of this stable is a small garden shed proposed for replacement by an extension to the existing stable with a floor space of approximately 11.4 square metres.

- 6.5 As such the existing building and the proposed extension is of a relatively simple structure positioned as it is alongside its northern boundary, alongside a native hedgerow, and therefore, although quite conspicuous in the immediate landscape, if painted in an appropriate colour a typical structure of the rural landscape.

Use of the site

- 6.6 The applicant wishes to retain use of the site in order to retain ponies on site, who share the site with sheep and hay-making for winter feed use (the latter two not requiring planning permission).
- 6.7 As such this form of use is considered acceptable, albeit unfortunate that the applicant does not reside within close proximity to the application site, presently residing at Well Cottage, Roddhurst, Presteigne, Powys, and hence the need for some form of shelter on site for the horses.
- 6.8 However, in consideration of the sites quite conspicuous location, in open countryside, any other form of use on site such as commercial use would be considered unacceptable in consideration of landscape impact, as well as sustainability issues, and therefore if members are mindful to support the application, it is recommended that conditions are attached to any approval notice subsequently issued restricting use of the site to the applicant only for personal use, with the requirement for additional landscaping and external painting of the building in an appropriate colour.

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. **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**

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

2. N19 - Avoidance of doubt - Approved Plans

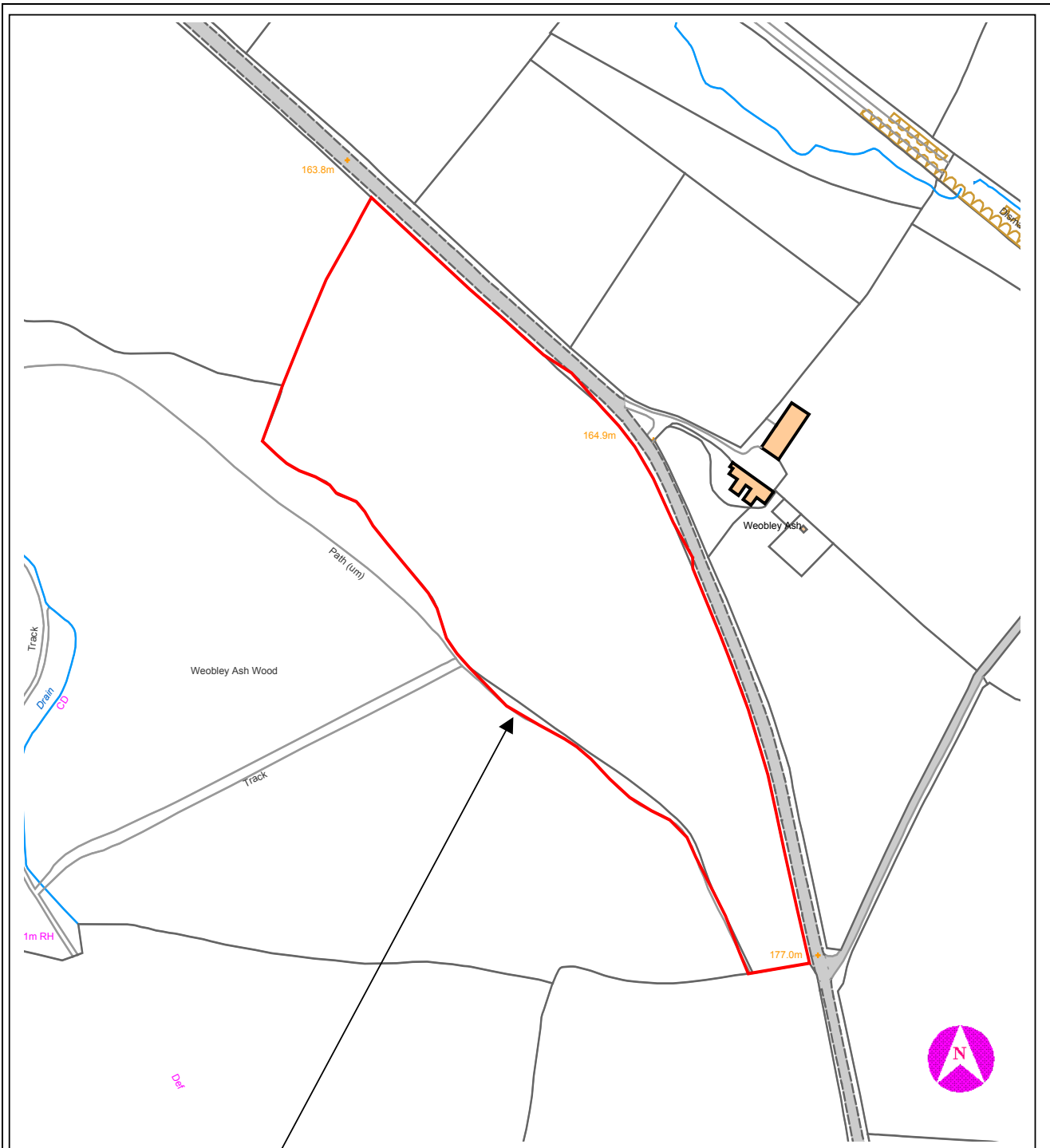
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW0009/1228/F

SCALE : 1 : 2500

SITE ADDRESS : Land at Burcher Wood, Stansbatch, Leominster, Herefordshire, HR6 9LW

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

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

For: Prof Philip Witting at the above address.

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

Expiry Date: 23 April 2009

Local Member: Councillor RC Hunt

Introduction

This matter was first reported to committee on June where it was deferred to allow further examination of the health and safety issues, including the implications for ICNIRP. This report includes additional information/representation submitted since then.

1. Site Description and Proposal

- 1.1 The application relates to 35 Pinsley Road in Leominster. The property is a recently completed semi detached dwelling, being one of a group of six approved under application reference DCNC2003/2699/F. They are modest properties, set back slightly from the road behind a low brick wall topped with railings. Each has a small garden to the rear with a shared parking area beyond. The shared parking back on to a narrow strip of commercial land and Pinsley Mill, which itself has the benefit of planning permission for residential conversion to nine flats, subject to the completion of a Section 106 Agreement. Beyond this is railway line.
- 1.2 The area can be described as being residential in its character and is adjacent to the Leominster River Meadows Conservation Area.
- 1.3 The proposal is for the erection of an amateur radio antenna. It is described as a Hustler 6BTV being of a commercial design. It has a total height of 7.15 metres and for the majority of its height has a diameter of 32mm, although this does increase slightly at four points to 40mm and towards the top to 50mm with the top 0.75 metres having a diameter of just 2mm. The antenna is silver in colour and is shown to be supported at two points by a pair of 3mm nylon guy ropes.

2. Policies

- 2.1 Herefordshire Unitary Development Plan

DR2 - Land use and activity

CF3 - Telecommunications

- 2.2 Planning Policy Guidance Note 8 - Telecommunications

3. Planning History

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

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

4. Consultation Summary

Statutory Consultations

4.1 None required

Internal Council Advice

4.2 Conservation Manager - No objection. The proposal will not conflict with conservation interests.

4.3 Leominster Town Council - Does not consider there to be sufficient information about the operation of the particular aerial to determine whether the transmitter works within the guidelines published by the International Commission on Non-Ionising Radiation Protection (ICNIRP)

4.4 Network Rail - Object to the application. It appears that there is a potential risk that electromagnetic interference could be generated at this location of which would be at a level of which is likely to affect the correct operation of our signalling and telecommunications assets within this locality, thereby potentially affecting the safe operation of the railway.

4.5 I should also point out that Network Rail has in its possession a report from an accredited EMC Test Laboratory relating to Solid State Interlocking (SSI) equipment used to control the safe movement of trains on the railway, which indicates that in the frequency range 150 kHz - 60MHz an induced voltage above 3 volts will lead to a system malfunction. Due to the nature of the interference in this frequency range, the precise correlation of the field strength limit and the induced voltage level can only be accurately established by on site testing and measurement, which at present cannot be performed as the radio mast is not yet installed and in use.

4.6 The Ramblers Association - Object on the basis that the mast will be visually intrusive from the Hereford Way and that walkers could be at danger when the mast is transmitting at the high power levels of which it is capable.

5. Representations

5.1 Eight objections have been received in response to the statutory consultation period from the following:

Mrs Roe, 21 Buckfield Road, Leominster
J N Cowall, Gretley, Pinsley Road, Leominster
Dr & Mrs Poole, Parkside, Pinsley Road, Leominster
Mrs Jones, 2 The Meadows, Leominster
G Hunt, 9 Pinsley Road, Leominster
Mrs D Emes, 37 Pinsley Road, Leominster
Mr D Martin, 108 The Mallards, Leominster
Mrs Measures, 45 Pinsley Road, Leominster

5.2 Petitions of 105 and 17 signatories has been submitted. Of these 33 reside in Pinsley Road, the remainder range from addresses in Leominster and surrounding villages including Stoke Prior and Monkland, Hereford, Tenbury Wells, and one each from residents of Peterborough and Northallerton respectively.

5.3 In summary the letters and petition raise the following issues:

- (a) The antenna will be visually obtrusive.
- (b) The proposal gives rise to concern over health issues.
- (c) The antenna will cause interference with electrical equipment in nearby dwellings.

Additionally, further representations have been received from Dr and Mrs. Emes. Some of a technical nature.

The concerns are:

- (i) that the approach appears to resolve problems after they arise, rather than test before;
- (ii) advice has been sought from Health Protection Agency – referred to later;
- (iii) who will carry out testing/monitor the site;
- (iv) what do HPA/HSE have to say.
- (v) are ICNIRP guidelines exceeded or railway signalling/telecoms affected.

They have also listed experiences of interference, including computer equipment dishwasher, washing machine, extractor fan, halogen lights. They advised that once the antenna was removed the problems ceased.

They refer to their “Human Rights” to peaceful enjoyment of their property, including right to hobbies and work. Mrs Emes advises that the exam working work is dependent upon broadband access.

5.4 In support of the application the applicant has provided details of a pre-application consultation that he undertook with his immediate neighbours. These show nine residents to have been supportive at that time, although one has since retracted this support through a consultation response to the application, and one objection.

In response to the above and to further questions from officers, the applicant has responded as follows:

- (i) He considers the evidence of interference to be below that required by PPG8.
- (ii) The objection refers to running power to 1000w – to do so would require a “Notive of Variation” from Ofcom. This would only be granted if I could show a very good reason and would then only be agreed following a determination that no deleterious effects on other persons would follow. He advises that Councillors need not be concerned on this score.
- (iii) This vertical antenna transmits through 360° rather than been found in one direction. Thus the energy is shared in all directions and intensity substantially reduced.

A high proportion of the energy is directed upwards at an angle to the ionosphere. Therefore, it passes above land-based objects after a few metres and would be quite high by the time it reached the railway line.

He advises that calculation of power density of antennas is extremely complex, but to provide a single illustration advises:-

“ A 400 watt transmission over a 30m radius gives a density of 0.035 watt/sq.m. Approximately 1.8% of the recommended exposure for members of the public.”

He also advised that:-

“on the amateur bands relevant to the proposed antenna I wound that none of the limits on power density for general public exposure, as laid down in the ICNIPR table would be expected to be exceeded at the publicly-accessible point of closest approach to the antenna. Further, the probable average level of exposure across all of the relevant bands amount to 33% of the relevant ICNIRP limits on power density for general public

exposure. The probable exposure on neighbouring properties is expected to be significantly below that at the closes point of approach for the general public.”

- 5.5 A letter from the Radio Society of Great Britain is also provided confirming that the applicant is properly licensed by Ofcom as an amateur radio operator.
- 5.6 In addition four appeal decisions where antenna have been allowed in residential areas have also been submitted by the applicant.
- 5.7 As a result of contact by objectors the following has been received from the Health & Safety Executive.

I have had numerous emails from the Emes family complaining about the proposed development of an antenna in their neighbour's garden. They assert that Prof Witting "*is entitled to have a 1000W research broadcasting license*" - a claim that does not appear to be supported by the details in the application.

I have copied my reply to them to you so that you can see the details. If you need detailed technical advice it is possible that the Radiation Protection Division of the HPA (based at Chilton, tel: 01235 831600) may be able to help. They have a very competent radio frequency assessment section and you will already have seen a general comment (I have only the opening couple of paragraphs) from the Head of Division, Dr Simon Mann. I know that HPA has worked in partnership with Local Authorities to resolve such questions of public health and safety in other cases, and may be willing to help in this one.

Dr Hawkins' email makes a statement that is slightly suspect in that he asserts "*the law states that if preliminary calculations indicate that if the radiated power density is likely to be greater than 10 Watts/metre-squared, site measurements of the radiated power must be carried out to ascertain the actual level radiated.*" I am not aware of any specific legislation making this requirement. There is a European Recommendation (EC/519/1999) on restricting the exposure of the public to electromagnetic fields but this is not UK law, nor does it require measurements of EMF emission levels.”

- 5.8 Following the contact from HSE officers contacted the Health Protection Agency, who responded as follows:-

“Our advice is that the guidelines on limiting exposures to electromagnetic fields from the International Commission on Non-ionizing Radiation Protection (ICNIRP) should be adopted and this advice can be found in the following publication (note, NRPB's staff and functions transferred to HPA in April 2005).

The quoted power level of 1 kW and the distances that seem to be involved to neighbouring properties point to the need for some form of assessment, probably involving a calculation. It is possible that less than 1 kW is being radiated or that the precise beam pattern of the antenna directs the radio waves in such a way that exposures are low, but I have no information on these matters.

In summary, my advice is that the applicant is asked to provide reassurance that exposures will not exceed the ICNIRP guidelines. There is a specific page on our website that may help them in doing this.”

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

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

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

Residential Amenity and Visual Impact

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

Electromagnetic Interference

- 6.9 Paragraph 102 of PPG8 deals specifically with this subject. It advises that electromagnetic interference can be caused by a radio transmitter or by unwanted signals emitted by other electrical equipment. It goes on to state that the Radiocommunications Agency (now Ofcom) has statutory powers to deal with this type of interference under the Wireless Telegraphy Act 1949. Whilst such interference can be considered as a material planning consideration, it first has to be clear that significant interference will arise, or will probably arise, and that no practicable remedy is available.
- 6.10 The comments received from Network Rail suggest that there is a solution to the concerns that they have raised and that this could be dealt with under the statutory powers described above. They also point out that interference can only really be accurately established by on site testing, which cannot presently be performed as the antenna is not installed and in use.
- 6.11 Whilst some of the letters of objection go into some detail on the technical background and operation of the antenna and suggest that it will cause electromagnetic interference they do not quantify the significance of this and, like the concerns expressed by Network Rail, it is concluded that any interference that may be cause can be dealt with by Ofcom as the regulatory body. This

being the case a comment from a Planning Inspector dealing with an appeal in West Sussex is particularly pertinent:

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

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

Health Issues

- 6.14 Many of the objection letters and the petition raise concerns about the effects on health. Paragraph 98 of PPG8 makes it quite clear that the Government considers that the planning system is not the place for determining health safeguards. The emphasis of the paragraph is focussed on mobile phone installations but is applicable in this case. The advice is that if an installation meets ICNIRP guidelines for public exposure it should not be necessary for a local planning authority to consider further the health aspects and concerns about them.
- 6.15 The application is not accompanied by an ICNIRP compliance certificate. However, the type of antenna applied for appears to be aimed at amateur radio enthusiasts who will most commonly be transmitting from their own homes. This will often mean that they are in close proximity to other dwellings, as is the case in this instance. Whilst concerns have been raised about health issues they are not supported by any evidence to suggest that this type of antenna has been the subject of any such complaints. It is therefore considered that there is little to suggest that this proposal will give rise to such significant implications to public health to warrant its consideration as being material to the determination of this application. The concern expressed by HPA stems from the incorrect assumption that 1000w in fact is proposed. The only reference to this output comes from the objectors. The applicant has responded to this in paragraph 4.10.
- 6.16 The assessment of this proposal is consistent with the approach that has been taken by Planning Inspectors when considering appeals where similar objections have been raised. It is therefore concluded that the scheme accords with Policy CF3 of the Herefordshire Unitary Development Plan and the guiding principles of PPG8. The application is recommended for approval.
- 6.17 Advice in Annex 2 of PPH8 states it is unlikely that refusal of planning permission would be justified on the grounds of radio interference from a transmitter alone, except in extreme cases. It goes on to say that, whilst temporary permissions may be appropriate to allow trial periods, this should not be adopted unless there is evidence of significant interference. If applications are refused on interference grounds LPA'S should produce full details of that evidence, together with evidence that there are no reasonable remedies. Thus, whilst a temporary permission is a possible option, it is not one recommended by officers.
- 6.18 The applicant has provided information on ICNIRP as requested and the HSE suggest that the objections are based on a misinterpretation or misunderstanding of the application. It is considered that there is sufficient information to determine the application in accordance with the relevant policy and PPG.

RECOMMENDATION

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

That planning permission be granted subject to the following conditions:

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

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

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

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

INFORMATIVES

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

- 2 - N19 - Avoidance of doubt - Approved Plans

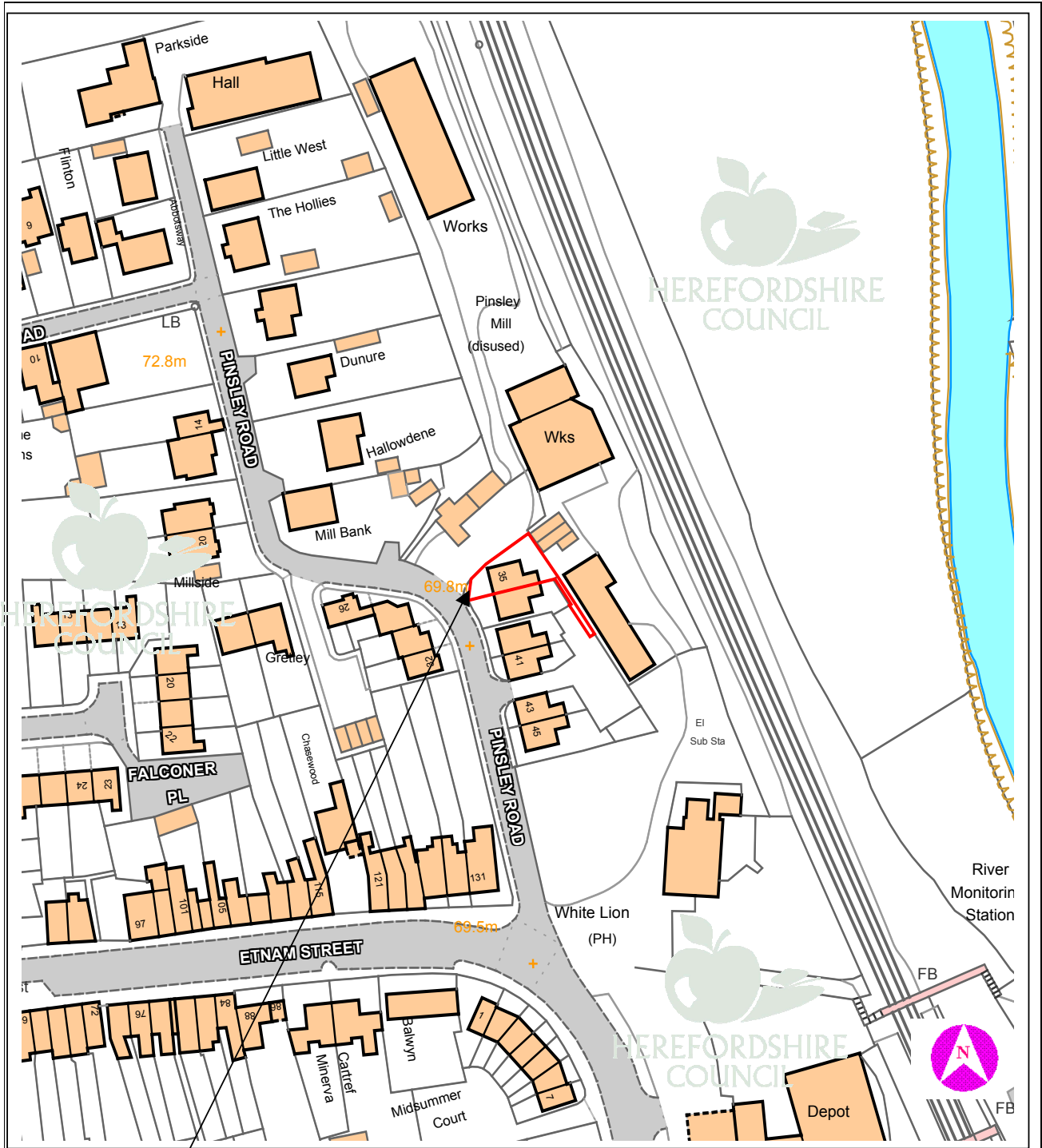
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2009/0453/F

SCALE : 1 : 1250

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

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

For: Mr C Brant at the above address.

Date Received: 31 March 2009 Ward: Hampton Court Grid Ref: 52271, 56281

Expiry Date: 26 May 2009

Local Member: Councillor KG Grumbley

1. Site Description and Proposal

- 1.1 The application site lies off Norman's Lane in Stoke Prior, approximately 250m south of the junction with the C1110 road which runs through the village. The site measuring approximately 40m x 45m is part of a larger field of around 1 hectare.
- 1.2 The proposal, which is in part retrospective, is to provide a traveller site, including one static style mobile home, two tourers and retention of the day/wash room, which has been erected on a lean-to against a previously approved agricultural building.
- 1.3 There is an existing access to the site of Norman's Lane and a fenced off parking area in the north west corner.
- 1.4. In the field adjoining the site the applicant keeps a number of chickens and horses, together with assorted pens and shelters. The whole field is bounded by mature hedgerows.

2. Policies

Unitary Development Policy

H12 - Gypsies and other travellers

LA2 - Landscape Character and areas least resilient to change.

Circular 01/06 Planning for Gypsy and Traveller Sites

3. Planning History

- 3.1 NC2006/1105/F Retention of Agricultural Building refused June 2006 - allowed on appeal February 2007.

4. Consultation Summary

Statutory Consultations

- 4.1 Transportation Manager - no objection.

- 4.2 Environmental Protection Manager - The Sub-Regional Housing Needs Assessment has identified a substantial shortfall in traveller sites in Herefordshire. The applicant is not known to the Traveller Service. Environmental Protection team has no objection.

Internal Council Advice

5. Representations

- 5.1 Ford & Stoke Prior Parish Council - The Parish Council recommends that the planning application be refused on the grounds that the development would be outside the envelope for residential development. The Parish Council regards as most important that the existing envelope should not be breached by development, such a breach would create a precedent. In the event that permission none the less granted the Parish Council recommends the following conditions be imposed:-

- a. Concerning the change of use it is not from agricultural to residential or any other designation but remains for agricultural residents only.
- b. The Northern Area Planning Committee should be assured by enquiring that the specific conditions relating to travellers are being correctly applied in this application
- c. The Consent would apply only to the applicant and his immediate family, as described, for the duration of their residence after which point the permission will no longer apply.
- d. No other person or persons may reside at the site and no other mobile homes or caravans may be brought onto the site.
- e. Any such consent should be construed as being a temporary measure only.

- 5.2 A letter was also received dated 8th June via the Environmental Protection Manager asking questions about the definition of a gypsy/traveller. A response was sent 18th June

- 5.3 29 letters of objection have been received from 24 different addresses in Stoke Prior.

The objections are summarised below:-

1. The proposal is contrary to Policy H8, since this would not be a viable agricultural business and the applicant has previously managed to run it whilst living elsewhere.
2. There are currently vacancies at Council run gypsy/traveller sites.
3. Not convinced that the applicant is a gypsy/traveller.
4. Retrospective applications do not accord with the advice in Circular 1/06.
5. The proposal is contrary to Policy H11 - residential caravans.
6. The site lies outside the settlement boundary and would set a precedent encouraging others to move onto small parcels of land.
7. Traffic safety.
8. Amenity problems.
9. Out of keeping with the village

10. The site is visible from the Risbury Road currently and would be more so in winter. It is insufficiently screened.
 11. The development would fracture the village and give rise to problems of security and law and order.
- 5.4 9 letters of support have been received from 9 addresses in Stoke Prior.
 - 5.5 One letter refers to private bore hole water supply restructuring which make it unsuitable for domestic use. Limited to 30 cubic metres per annum or 18 gallons per day for livestock purposes.
 - 5.6 Another suggest a personal, time limit condition.
 - 5.7 In support of the application a statement has been submitted setting out the circumstances of the applicant, policy matters and other material considerations
 - 5.8 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 Circular 1/06 defines gypsies/travellers as follows:-

"Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such."

- 6.2 Consideration of the applicant's statement above and a discussion with him on site leads officers to conclude that the applicant falls within the definition set out above. As a consequence the proposal falls to be considered against Policy H7 of the Unitary Development Plan.
- 6.3 In this case, references to Policies H8 and H11 can be discounted. The current shortfall of pitches within the County as assessed in the Housing Needs Assessment is currently around 83 pitches. This figure took account of any vacancies that there were at the time of preparation of that assessment. Consequently, any current vacancies on Council sites have little bearing on the overall need.
- 6.4 Reference is made by objectors to Circular 1/06 and the retrospective nature of the application. Paragraph 59 advises that gypsies and travellers consult with local planning authorities before buying land. The failure to do so, however, cannot be regarded as a reason to refuse the application. Whether retrospective or not the application should be determined on its merits.
- 6.5 The main intention of the Circular appears in paragraph 12 of that document, and in summary, is to significantly increase the number of pitches available in appropriate locations.
- 6.6 Whilst the site may be visible from a limited number of locations, generally it is well screened from immediate views within the village. Since the proposal amounts to the creation of a single pitch it is not considered that the nature of Norman's Lane presents any overriding traffic safety issues, nor any unreasonable amenity issues for neighbours.
- 6.7 The issue of the water supply is a private matter constrained by covenant.

6.8 In terms of visual amenity, highway safety and general amenity issues, the site is considered to be appropriate as a gypsy site for 1 pitch. On that basis there would be no sustainable justification for either a personal or time limited permission.

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 - Non Standard (Non Standard Condition)**

The use of the site shall be limited to a single mobile home and up to two touring caravans to be occupied by a person or persons comprising a single family unit and being recognised as being of genuine gypsy or other traveller status, as defined by Circular 1/2006 - Planning for Gypsy and Traveller Caravan Sites. Evidence of such status shall be submitted to and approved in writing by the local planning authority prior to the occupation of the site by any persons other than the current applicant.

Reason: The nature of the development is such that it is only considered to be acceptable in this location as a Gypsy or Traveller Site in accordance with Policy H12 of the Herefordshire Unitary Development Plan.

INFORMATIVES:

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

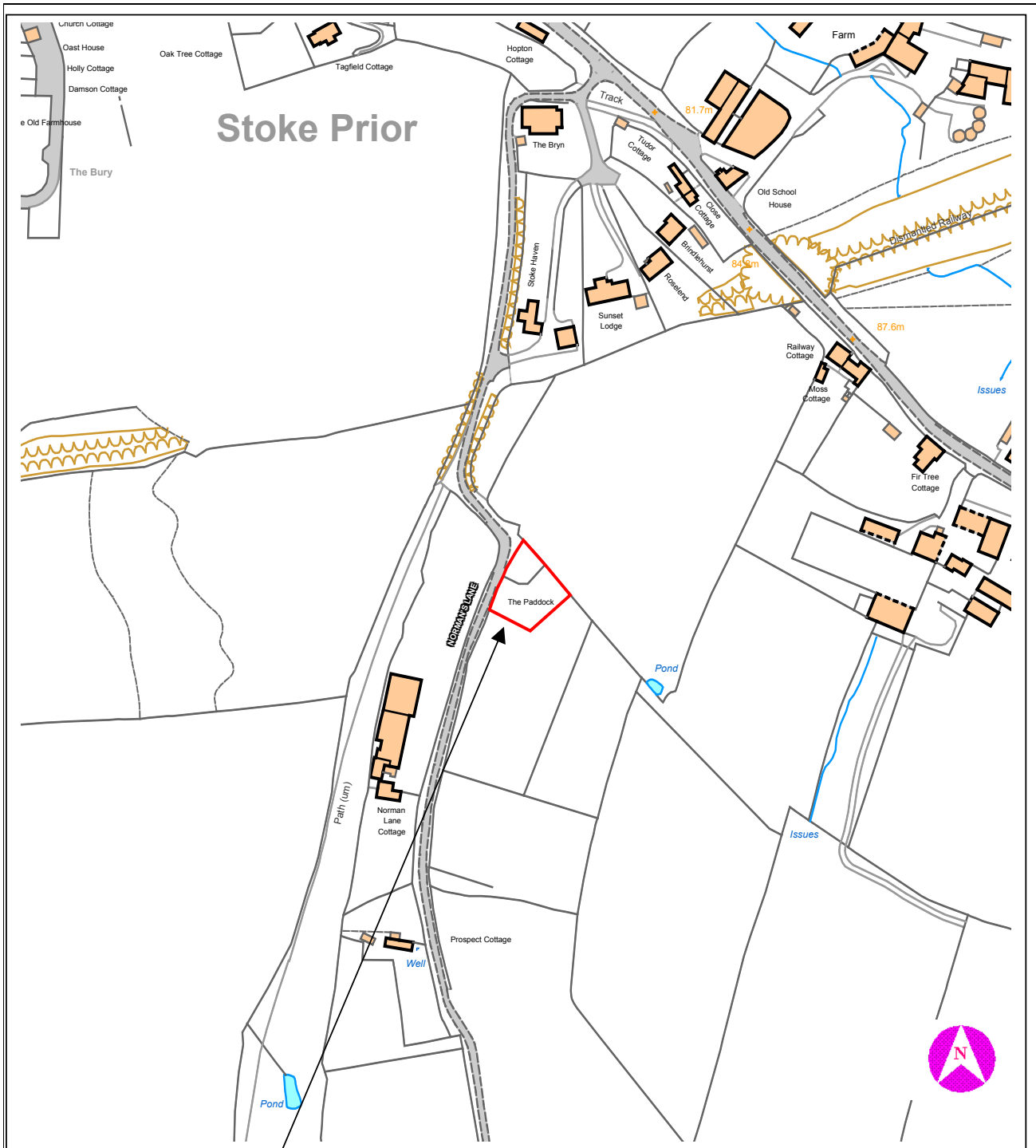
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2009/0748/F

SCALE : 1 : 2500

SITE ADDRESS : The Paddocks, Normans Lane, Stoke Prior, Leominster, Herefordshire HR6 0LQ

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

