

**MINUTES of the meeting of Northern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 18 November 2009 at 2.00 pm**

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

**Councillors:** WLS Bowen, ME Cooper, JHR Goodwin, KG Grumbley, B Hunt, RC Hunt, TW Hunt, TM James, PJ McCaull, PM Morgan, A Seldon, RV Stockton, J Stone and JK Swinburne

**59. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors LO Barnett, JP French, P Jones CBE, R Mills, and RJ Phillips.

**60. DECLARATIONS OF INTEREST**

5. DCNE0009/1639/F -TACK FARM EQUESTRIAN CENTRE, ULLINGSWICK, HEREFORDSHIRE, HR1 3JQ..  
Councillor PM Morgan; Personal; Ridden at the equestrian centre.

**61. MINUTES**

Councillor RV Stockton requested that the words 'subject to no further impediments' be added to the end of the penultimate sentence of page 7 of the minutes.

The Democratic Services Officer advised members that the words '**THAT the application be approved subject to the following conditions:**' be added to the resolution in respect of item 52.

**RESOLVED:** That subject to the above amendments, the Minutes of the meeting held on 21 October be approved as a correct record and signed by the Chairman.

**62. ITEM FOR INFORMATION - APPEALS**

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

**63. DCNE0009/1639/F -TACK FARM EQUESTRIAN CENTRE, ULLINGSWICK, HEREFORDSHIRE, HR1 3JQ.**

*Proposed warm up ménage, extend existing ménage and new site office/public address system*

In accordance with the criteria for public speaking, Mr Hoskins, the Chairman of Much Cowarne Group Parish Council, and Mr Telford, a local resident, both spoke in objection to the application.

Councillor PM Morgan, the local ward member, advised members that the application affected both the Frome and Bromyard wards and the principle concerns related to the

access and the personal address system. She felt that the current situation was unacceptable and that UDP Policies S1 and RST1 had been breached. She added that the applicant had advised that there would be no change to the nature or the frequency of events but the number of events had risen from 8 in November to 11 proposed in January. Councillor Morgan noted the concerns of the local residents and felt that granting the application would increase the intensity of the usage of the site. Due to her concerns she moved that the application be deferred pending further discussions with the applicant.

Councillor B Hunt was concerned that no objections had been received by the environmental health department or the highways department. He also felt that there should be a limit on the number of events permitted at Tack Farm.

The Area Engineer (Development Control) advised members that there was no intention to increase the frequency or nature of the events. He confirmed that an objection would have been raised if the usage was increased.

Members discussed the application and felt that it was important to set a baseline in order to judge intensity of activities on the site. They also felt that conditions would be more appropriate than informative notes in the recommendation.

In response to a question the Northern Team Leader confirmed that the personal address system did not require planning permission and could not therefore be subject of a planning condition.

## **RESOLVED**

**THAT determination of the application be deferred pending further discussions with the applicant.**

### **64. DCNE0009/1537/F - LAND AT AREA 15 NEW MILLS ESTATE, KINGSMEAD, LEDBURY, HEREFORDSHIRE, HR8 2LS**

*Proposed 9 no 2 bed bungalows, including the relevant driveways and landscaping.*

The Principal Planning Officer reported the following comments circulated at the meeting in the updates sheet.

I wish to amend Clause 1 to the DRAFT HEADS OF TERMS in Annex 1 to read:-

“The developer will pay Herefordshire Council the sum of £2,115 (index linked) to provide / enhance children’s play space and / or children’s play equipment and / or amenity green space / open space within the Ledbury Town Council area, with priority being afforded to provide and / or enhance the open space / recreation area within the Deer Park area at the bottom of Biddulph Way and Martins Way, prior to the first occupation of any of the new dwellings.”

Councillor ME Cooper, one of the local ward members, felt that the officers appraisal addressed the concerns well and that the conditions would help to allay the concerns of the objectors.

Councillor Bowen asked for clarification as to whether the dwellings could be made super energy efficient to assist in energy conservation. The Northern Team Leader advised that the Planning Department had no means of insisting on this but that demands from building regulations were constantly increasing in respect of energy conservation in planning.

## **RESOLVED**

**The Head of Legal Services be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 as set out in the Heads of Terms Agreement and deal with any other appropriate terms, matters or issues;**

**Upon completion of the above-mentioned planning obligation, officers named in the Scheme of Delegation be authorised to issue planning permission subject to the following conditions:-**

- 1 A01 Time limit for commencement (full permission)**
- 2 Prior to commencement of the development hereby permitted, written details and samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted shall be submitted to the Local Planning Authority for their written approval. The development hereby permitted shall be submitted to the Local Planning Authority for their written approval. The development hereby permitted shall not commence until the Local Planning Authority has given such written approval. The development shall be carried out in strict accordance with the approved materials and thereafter maintained as such.**

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

- 3 All planting, seeding and turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of any of the dwellings hereby permitted or the completion of the development (whichever is the sooner). Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.**

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

- 4 Prior to the first occupation of any of the dwellings hereby permitted the vehicular means of access, car parking, turning / manoeuvring area(s) for vehicles shall be fully implemented. Thereafter these areas shall be kept available for such use.**

**Reason: In the interests of highway safety.**

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

- Full details of surface water drainage arrangements**

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

**Reason: To ensure adequate surface water drainage arrangements.**

- 6 The recommendations set out in the ecologist's report dated October 2009 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. 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, NC7, NC8 and NC9 of Herefordshire Council's Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of PPS9 Biodiversity and Geological Conservation and the NERC Act 2006.

- 7 Prior to development, an ecological and wildlife enhancement strategy shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the Local Planning Authority.

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, NC7, NC8 and NC9 of Herefordshire Council's Unitary Development Plan 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

#### 65. DCNW00091880M - LEINTHALL QUARRIES, LEINTHALL EARLS, LEOMINSTER, HEREFORDSHIRE, HR6 9TR.

*Continued development without compliance with Condition 8 of Planning Permission Ref DCNW2004/1404/M for the remainder of the permission.*

Updates

In accordance with the criteria for public speaking, Mr Gresco, representing Aymestrey Parish Council, spoke in objection to the application.

In response to the comments from the Parish Council the Principal Planning Officer (Minerals and Waste) advised Members that the road in question was a public highway so volume of traffic was not a Council matter.

In response to a question the Principal Planning Officer (Minerals and Waste) advised members that granting the application would not increase traffic and that the existing quarry accounted for less than one percent of vehicle movements on the A4110.

Councillors felt that it may be beneficial for the Parish Council to contact West Mercia Police in order to arrange for speed checks to be set up on the A4110 in order to address vehicle speed concerns in the area.

## **RECOMMENDATION**

That planning permission be granted subject to the following conditions:

- 1** The development shall continue to be carried out in all respects strictly in accordance with the approved details and plans [drawing nos. NL 04808/06; NL 04808/phs 1, Phase 1; NL04808/phs 2, Phase 2; NL 04808/phs 3, Phase 3; NL 04808/phs 4, Phase 4; PA7 (Final Restoration, A3 coloured), PA8 (Sections 'A-A' to 'E-E')] as submitted under planning applications reference DCNW2002/0573/M and DCNW2004/1404/M, except where otherwise stipulated by conditions attached to this permission.

**Reason:** To ensure adherence to the approved plans in the interests of a satisfactory form of development, in the interests of the amenities of local people, the landscape, pollution control, nature conservation, the control of nuisances and to ensure a satisfactory reclamation of the site, in accordance with policies S1, S2 and S9 of the Herefordshire Unitary Development Plan 2007.

- 2** B04 Amendment to existing permission

- 3** No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: 0600-1800 Monday to Friday and 0600-1200 on Saturdays, nor at any time on Sundays, Bank or Public Holidays, except that until 10 August 2027:

a) The tarmac coating plant shall be allowed to commence at 0500 Monday to Saturday;

b) or up to and including six occasions in each calendar year, the operation and use of the tarmac coating plant, and loading and despatch of vehicles on Sundays may be undertaken. On such Sunday working days, no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside 0700 - 1600 hours, except that the tarmac plant shall be allowed to commence at 6 am. Written notification of the date of such Sunday working shall be forwarded to the Local Planning Authority within 3 working days of each and every occasion of Sunday working.

**Reason:** In order to protect the amenity of occupiers of nearby properties in accordance with policies S1, S2 and S9 of the Herefordshire Unitary Development Plan 2007.

- 4** Copies of:

- a) This planning permission;
- b) All other permissions currently in force;
- c) All current approved plans;
- d) All other documents subsequently approved in accordance with any current permission, conditions or amendments approved pursuant to any or all;

Shall be held in the site office at Leinthall Quarry and be made available to any person to read on request during the permitted hours of opening.

**Reason:** To ensure that employees, members of the public and officers of the Council may readily make themselves aware of the requirements of the

planning permission and approved plans and schemes and to ensure that all aspects of the proposal are complied with in accordance with policies S1, S2 and S9 of the Herefordshire Unitary Development Plan 2007.

#### **INFORMATIVES:**

- 1** The decision to grant planning permission has been taken having regard to the provisions of the Development Plan: in particular policy M2 of the West Midlands Regional Spatial Strategy and the relevant policies of the Herefordshire Unitary Development Plan 2007 set out below. In reaching this decision, the local planning authority was mindful of the particular circumstances of the case, namely the acknowledged need to continue to provide an adequate and steady supply of aggregates, the applicant's existing and established rights for the winning and working of minerals, the fact that there are no traffic implications and no proposed operational changes to current practices, and because no complaints have been received or substantiated relating to the operation of the tarmac coating plant or Sunday working during the period within which these have been permitted.

The local planning authority has concluded that there are no clear-cut or sound reasons for retaining the period time limits for starting up the tarmac coating plant and working the quarry on Sundays for up to 6 occasions in each year. On this basis there would be no adverse environmental effects that would justify refusal

#### **Policies: Herefordshire Unitary Development Plan 2007:**

- S1 - Sustainable development**
  - S2 - Development requirements**
  - S9 - Minerals**
  - DR2 - Land use and activity**
  - DR4 - Environment**
- 2** Conditions 1, 4, 5, 6, 9, 10, 16, 17 and 19 of permission DCNW2002/0573/M granted 27 August 2002 were amended under planning permission DCNW2004/1404/M in order to reflect the fact that that permission had been commenced and that the wording of some conditions was no longer appropriate. Permission DCNW2004/1404/M continues to subsist and those amendments are not negated by this new permission.
  - 3** Condition 21 of planning permission DCNW2004/1404/M states that it should be implemented in lieu of, and not in addition to, DCNW2002/0573/M. Condition 8 of planning permission DCNW2004/1404/M is now superseded by condition 3 of the permission hereby granted. Otherwise, this new permission does not supersede permission DCVW2004/1404/M, and should be regarded as additional to it, subject to the amendments detailed above.

**66. DCNW0009/1730/F - YATTON HILL COTTAGE, AYMESTRY, LEOMINSTER, HEREFORDSHIRE, HR6 9TP**

*Single storey extension to existing dwelling.*

The Senior Planning Officer reported the following updates:

One further letter of objection had been received from the same persons as the previous letter received.

The letter could be summarised as stating that there was very little difference between the amended plans and the plans originally submitted in support of the application and that the objectors considered the proposed extension far too large and of an unacceptable design. Attention was drawn to the overall proposed floor space in relationship to the original cottage and detailed external design of the proposed extension. Attention was also requested to the appeal decision in respect of the previous application dismissed on appeal.

The Senior Planning Officer also reported the following comments:

The comments as referred to above by the objectors are noted, however no additional information is considered necessary to that as already included in the Committee report.

Further to the comments received from the Council's Planning Ecologist who raises no objections to the proposed development, it is recommended that standard informative notes, (N11A, N11B, N11C, (I30, I46, I33)) are attached to any approval notice subsequently issued with regards to reminding the developers to the provisions of the Wildlife and County Side Act 1981, and about any possible nesting birds on site and that its an offence to destroy their nests, eggs and young.

In accordance with the criteria for public speaking Mr Holden, the applicant's agent, spoke in support of the application.

**RESOLVED**

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

- 1 A01 Time limit for commencement (full permission)**
- 2 D04 Details of window sections, eaves, verges and barge boards**
- 3 D05 Details of external joinery finishes**

**INFORMATIVES:**

- 1 N19 Avoidance of doubt - Approved Plans**
- 2 N15 Reason(s) for the Grant of PP/LBC/CAC**
- 3 N11A Wildlife and Countryside Act 1981 (as amended) - Birds**
- 4 N11B Wildlife & Countryside Act 1981 (as amended) & Cons (Nat. Hab bat**
- 5 N11C General**

**67. DCNW0009/1826/F & DCNW0009/1825/L - ORLETON MANOR, OVERTON LANE, ORLETON, NR LUDLOW.**

*Proposed alterations and extensions to Orleton Manor. Provision of new garden buildings adjacent to NW Garden Wall, boundary alterations and construction of below ground garage and storage accommodation, access and access road.*

The Principal Planning Officer reported the following updates:

A response had been received from Natural England who did not object to the application in respect of legally protected species provided that the mitigation approach for bats and great crested newts outlined in the application documents was incorporated into any planning approval (if granted).

The Council's Ecologist recommended conditions and informative notes (included below)

English Heritage had no further comments.

A further letter was submitted by the applicant's agent and was circulated to members within the updates sheet.

A further letter of objection was received from Barbara Mark in objection to the application.

Officers have received a draft method statement in relation to earthworks and movement around the site which can be read in conjunction with the Waste Management plans previously submitted.

The Principal Planning Officer reported the following comments:

The local planning authority has been in discussion in relation to the waste management plan and methodology and is now satisfied that the works can be achieved in principle. Further details are required and a condition is recommended to ensure that the detail is acceptable and that the works protect the soil and have regard to the neighbouring properties. This program will need to take into account the best timings for ecological and landscape matters and well as soil handling.

In relation to ecological matters the Councils Ecologist and Planning Officers have fully considered the implications of the development on the species identified. The authority has given consideration to the tests that form part so the Habitats Directive and is satisfied that the intended mitigation and enhance measures would maintain the conservation stats of the protected species. A licence is also required and the local planning authority has imposed conditions requiring said mitigation to be imposed and monitored by a qualified clerk of works. As such the proposal is considered to now comply with the Ecological policies that form part of the Herefordshire Unitary Development Plan and listed within the report.

Councillor WLS Bowen, the local ward member, thanked those members who attended the recent site inspection at Orleton Manor. He advised members that the extension and improvements to the house were not controversial, and that the garage building, which had initially raised some concerns was in his opinion acceptable. He noted the concerns in respect of the raised balustrade but felt that the use of glass would result in little visual impact to the local residents. He also felt that the access to the garage would need to be



carefully landscaped in order to address any concerns raised. Finally he felt that the most controversial aspect of the application was in respect of the access to the site from Overton Lane. He noted the comments of the Planning Inspector, reproduced in full in the officer's report, and felt that the proposed 25 metre splay would result in less damage to the hedgerow and would still result in an acceptable and safe access to the site. He noted that there was another access to the site from Tunnel Lane but felt that the Overton lane access was more convenient for the applicants and had also been deemed as acceptable in the Inspector's report. In summing up he advised members that he was happy to move the recommendation subject to a condition restricting working hours on the site to weekdays only excluding bank holidays.

In response to the comments from the local ward member, the Area Engineer (Development Control) advised members that he had recommended a visibility splay of 33 metres due to the speed of vehicles on Overton Road.

Members discussed the application and felt that the access at Overton Lane required special attention. Members felt that a 25 metre visibility splay would offer protection to the hedgerow and also had the support of the Planning Inspector.

**RESOLVED:**

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

- 1 A01 Time limit for commencement (full permission)**
- 2 B01 Development in accordance with the approved plans**
- 3 C01 Samples of external materials (including sample panels)**
- 4 D04 Details of window sections, eaves, verges and barge boards**
- 5 D05 Details of external joinery finishes**
- 6 D10 Specification of guttering and downpipes**
- 7 E01 Site investigation - archaeology**
- 8 F07 Domestic use only of garage (and access and driveway)**
- 9 F08 No conversion of garage to habitable accommodation**
- 10 F28 Occupation ancillary to existing dwelling only (granny annexes)**
- 11 G02 Retention of trees and hedgerows**
- 12 G03 Retention of existing trees/hedgerows**
- 13 G04 Protection of trees/hedgerows that are to be retained**
- 14 G10 Landscaping scheme**
- 15 G11 Landscaping scheme - implementation**
- 16 G15 Landscape maintenance arrangements**
- 17 G16 Landscape monitoring**

- 18 H03 Visibility splays
- 19 H13 Access, turning area and parking
- 20 H27 Parking for site operatives
- 21 I16 Restriction of hours during construction
- 22 I20 Scheme of surface water drainage
- 23 I32 Details of floodlighting/external lighting
- 24 I51 Details of slab levels (in relation to boundary wall)
- 25 Prior to the commencement of development, a detailed method statement including details for the protection, repair and retention of the boundary wall (Overton Lane) during construction shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved details unless otherwise agreed in writing.

**Reason:** To ensure that this important feature is protected given its relationship with the Listed Building and within the Conservation Area in order to comply with polices HBA4 and HBA6 of the Herefordshire Unitary Development Plan.

- 26 The recommendations set out in the ecologist's report Further Bat Surveys and Great Crested Newt Survey Report dated July 2009, amended details regarding Great crested newt mitigation and Loft Void Partition wall dated 12 October 2009 and Waste Management plan dated 11 November 2009 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, full working method statements for bats and great crested newts should be submitted to and be approved in writing by the local planning authority. The work shall be implemented as approved and maintained thereafter.

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

- 27 Prior to the commencement of development a full waste managements and excavated material scheme shall be submitted to and approved in writing by the local planning authority. Works shall be carried out strictly in accordance with the approved details unless otherwise approved in writing by the local planning authority and shall include the following in particular:
  - 1. Waste Management and Excavated Material Plan including both existing and proposed topographical surveys and sections;
  - 2. Finalised method statement to include Soil movement and handling;
  - 3. Surface water drainage details

**Reason: To ensure a satisfactory form of development having regard to the aims of policies DR1, DR4 and DR11 of the Herefordshire Unitary Development Plan**

- 28 No excavated from the application site shall be removed from the agricultural holding edged in blue on drawing number 840/01/001.**

**Reason: To safeguard natural resources and ensure a satisfactory form of development having regard to policies DR1, DR4 and DR11 of the Herefordshire Unitary Development Plan.**

**INFORMATIVES:**

- 1 HN01 Mud on highway**
- 2 HN04 Private apparatus within highway**
- 3 HN05 Works within the highway**
- 4 HN10 No drainage to discharge to highway**
- 5 HN22 Works adjoining highway**
- 6 HN28 Highways Design Guide and Specification**
- 7 N15 Reason(s) for the Grant of PP/LBC/CAC**
- 8 N19 Avoidance of doubt - Approved Plans**
- 9 N18 European Protected Species Licence**
- 10 N11A Wildlife and Countryside Act 1981 (as amended) – Birds**
- 11 HN02 Public Rights of Way Affected**

**That planning permission be granted subject to the following conditions for the Listed Building Consent:**

**That: Subject to the Secretary of State confirming that he does not intend to call it in, Listed Building Consent be granted, subject to the following conditions and any additional conditions considered necessary by officers:**

- 1 A01 Time limit for commencement (full permission)**
- 2 B01 Development in accordance with the approved plans**
- 3 C01 Samples of external materials**
- 4 D04 Details of window sections, eaves, verges and barge boards**
- 5 D05 Details of external joinery finishes**
- 6 D10 Specification of guttering and downpipes**

## **INFORMATIVES:**

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

### **68. TREE PRESERVATION ORDER - STRETTON GRANGE, STRETTON GRANDISON**

*To consider the representations made in relation to the making of a provisional Tree Preservation Order upon trees at Stretton Grange, Stretton Grandison and determine whether to confirm the order and revoke the Area Order made in 1987 covering trees within the former curtilage of the house.*

In accordance with the criteria for public speaking Mr Brock, a neighbouring resident, spoke in objection to the Tree Preservation Order.

Councillor PM Morgan, the local ward member, noted the comments of the Parish Council and supported the application for a number of individual and small group of tree preservation orders on the site. She felt that the proposal was an improvement over the current individual group preservation order and would result in a better management and protection of the trees.

## **RESOLVED**

### **THAT**

- 1 The County of Herefordshire District Council (Stretton Grange, Stretton Grandison, Herefordshire) Tree Preservation Order 2009 be confirmed with Schedule 1 being amended to indicate group G2 is to the rear garden of Yew Tree House.**
- 2 Upon the serving of the TPO confirmation in i) the Malvern Hills District Council (The Grange, Stretton Grandison) Tree Preservation Order No151, 1987 be revoked.**

### **69. DATE OF NEXT MEETING**

Members noted that that the next provisional site inspection was scheduled to take place on 1 December 2009. Councillor RC Hunt proposed that a site inspection be undertaken at Tickbridge Farm, Leominster in advance of the December meeting.

The meeting ended at 3.45 pm

**CHAIRMAN**