

MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 12 January 2011 at 10.00 am

Present: Councillor TW Hunt (Chairman)
Councillor RV Stockton (Vice Chairman)

Councillors: ACR Chappell, PGH Cutter, SPA Daniels, H Davies, DW Greenow, KS Guthrie, JW Hope MBE, RC Hunt, PJ McCaull, JE Pemberton, DC Taylor, WJ Walling, PJ Watts and JD Woodward

In attendance: Councillors AJM Blackshaw, PD Price and SJ Robertson

90. APOLOGIES FOR ABSENCE

Apologies were received from Councillors GFM Dawe, G Lucas, RI Matthews and AP Taylor.

91. NAMED SUBSTITUTES (IF ANY)

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillor SPA Daniels attended the meeting as a substitute member for Councillor AP Taylor and Councillor PJ McCaull attended the meeting as a substitute member for Councillor RI Matthews.

92. DECLARATIONS OF INTEREST

11. DMSE/100298/O - Land opposite Cattle Market, Netherton Road, Ross On Wye, Herefordshire, HR9 7QQ.
Councillor PGH Cutter, Personal, Sits on the AONB Board.

93. MINUTES

RESOLVED: That the Minutes of the meeting held on 15 December 2010 be approved as a correct record and signed by the Chairman.

94. CHAIRMAN'S ANNOUNCEMENTS

The Chairman introduced the Officers who were present at the meeting.

95. ENFORCEMENT REPORT

The Committee noted the report.

96. DMN/102045/F - LAND AT OAKCHURCH FARM, CHURCH ROAD, STAUNTON ON WYE, HEREFORDSHIRE, HR4 7NE

The Principal Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided; the schedule of committee updates is appended to these minutes.

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

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor JW Hope, the local ward member, commented on a number of issues, including:

- The updates sheet contained details of a letter from a local resident thanking the applicant for the way he had worked with local residents in respect of the application.
- The application should be supported.

Members noted that agriculture had changed and that Polytunnels were now an essential part of agricultural working. They felt that it was their duty to support local industry and were of the opinion that the benefit to the local economy outweighed the environmental impact.

In response to a question, the Principal Planning Officer advised that there would be a buffer zone alongside the access road to Field Cottage.

Councillor JW Hope was given the opportunity to close the debate but chose to make no additional statement.

RESOLVED

1. The Head of Legal and Democratic Services be authorised to complete the planning obligation under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms (attached as annex).

2. 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. The scheme for the provision and implementation of a surface water regulation system as described in the Flood Risk Assessment (Envireau Water 8/08/10) must be submitted to and approved in writing by the Local Planning Authority within three months of the date of this decision notice. Such a scheme shall be implemented to the reasonable satisfaction of the Local Planning Authority prior to the construction of any impermeable surfaces draining to the system.

Reason: To prevent the increase in flooding caused by additional surface water run-off from the polytunnel development and to comply with Policy DR7 of the Herefordshire Unitary Development Plan.

2. The recommendations set out in the ecologist's reports dated June 2009 and June 2010 will be followed, unless otherwise agreed in writing by the Local Planning Authority with an agreed timetable within 3 months of the date of this decision notice, and the works shall be implemented as approved. A habitat protection, enhancement and management scheme based upon the recommendations in the above reports shall be submitted to the Local Planning Authority within three months of the date of this decision notice. This shall be implemented as approved with the agreed timetable thereafter. The results of monitoring surveys will be submitted to the Local Planning Authority by 31st December in any year that they are undertaken. A qualified and experienced Clerk of Works will be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation and enhancement work.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, Policies NC1, NC6, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan and Planning Policy Statement 9: Biodiversity and Geological Conservation.

- 3. Prior to the 1st February in each calendar year following the date of this permission, a plan to a metric scale of at least 1:7,500 shall be submitted to the Local Planning Authority indicating the hectares (maximum) of land to be covered with polytunnels and these polytunnels will be distributed in fields throughout the application site, in accordance with the field plans on the indicative plans reference (TBC) submitted in support of the application.**

Reason: In order to ensure that the Local Planning Authority can monitor the visual impact of the development hereby approved and to comply with Policy DR2 of the Herefordshire Unitary Development Plan.

- 4. No polytunnel or associated development will be situated within 30 metres of the boundary of any residential curtilage of any dwelling house that is located outside the contours of the application site. This land shall not be used in connection to fruit production on site, such as for storage, servicing or for staff congregating area.**

Reason: To safeguard the amenities of the occupiers of dwelling houses within the immediate vicinity and to comply with Policy DR2 of the Herefordshire Development Plan.

- 5. No polytunnel will exceed 3.9 metres in height above existing ground level.**

Reason: To control the visual impact of the development in consideration of the surrounding landscape and to comply with Policy LA2 of the Herefordshire Unitary Development Plan.

- 6. In the event of any polytunnel hereby permitted becoming redundant for the growing of soft fruit upon the application site, the polytunnel which includes the supporting structure shall be removed off site within a period of 6 months of it being last used for soft fruit production.**

Reason: To ensure that any structure that becomes redundant for fruit production does not remain on site and to comply with Policy LA2 of the Herefordshire Unitary Development Plan.

- 7. None of the polytunnels hereby permitted shall be covered with polythene from 15th November until 31st December in any calendar year or for the whole of the months of January and February in any calendar year.**

Reason: To ensure that the visual impact of the development hereby permitted is limited to the growing season and to comply with Policy LA2 of the Herefordshire Unitary Development Plan.

- 8. No more than 17 hectares of the application site shall be covered with polytunnels (including the metal structure) at any one time.**

Reason: To ensure that the cumulative visual impact of the development within the surrounding landscape is satisfactorily controlled and to comply with Policy DR2 of the Herefordshire Unitary Development Plan.

- 9. None of the polytunnels hereby permitted or the field they are located within shall be lit with artificial lighting unless agreed in writing with the Local Planning Authority.**

Reason: In the interests of the visual amenity and to comply with Policies DR2 and DR4 of the Herefordshire Unitary Development Plan.

- 10. A detailed landscaping scheme to include specification, method, density and location of all proposed planting will be submitted to the Local Planning Authority within three months of the date of this decision notice. The plan will clearly identify the location of existing hedgerows and ancient/veteran trees to be permanently retained. The heights at which boundary hedges will be maintained will be identified. A timetable for all landscape work will also be provided.**

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

- 11. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the Local Planning Authority, within 3 months of the date of this planning approval. The landscape management plan shall be carried out in accordance with the agreed timetable.**

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

- 12. Within 3 months of the date of this decision notice detail and a timetable for works to be completed on site will be submitted and approved in writing by the Local Planning Authority in consideration of the public highway vehicular access from the A438 to the property known as Field Cottage in respect of visibility splays which shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 2.4 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 215 metres in each direction along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.**

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

- 13. Any new access gates in relationship to works as indicated in condition number 12 above shall be set back 20 metres from the adjoining carriageway edge and shall be made to open inwards only.**

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

- 14. A corridor of at least 5 metres wide will be maintained for public footpaths running through the site. (From side to side with footpath in the middle).**

Reason: To ensure that public footpaths remain free of debris and obstruction at all times and to comply with Policy T6 of the Herefordshire Unitary Development Plan.

- 15. No polytunnels will be erected on land within 100 metres of the scheduled ancient monument number SAM28877 (Staunton-on-Wye Moated site).**

Reason: In the interests of the historic setting of the scheduled ancient monument and to comply with Policy ARCH3 of the Herefordshire Unitary Development Plan.

INFORMATIVES:

- 1. N15 - Reason(s) for the Grant of Planning Permission**
- 2. N19 – Avoidance of doubt – Approved Plans**
- 3. I 30 - N11A Wildlife and Countryside Act 1981 (as amended) - Bird**
- 4. The application site may includes a number of areas of 'unknown filled ground' which can be associated with potentially contaminative material and as such it is possible that unforeseen contamination may be present on the site. Consideration should be given to the possibility of encountering contamination on the site as a result of its former uses and specialist advice be sought should any be encountered during the development.**

97. DMN/102046/F - LAND AT UPPER NORTON & HINTON FARMS, NORTON CANON, HEREFORDSHIRE, HR4 7LN

The Principal Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided; the schedule of committee updates is appended to these minutes.

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

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor JW Hope, the local ward member, advised the Committee that he supported the application and drew their attention to the comments he made on the previous agenda item.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor AJM Blackshaw, the neighbouring ward member, agreed with the comments from the local ward member and supported the application.

In response to a question, the Principal Planning Officer advised that the Environment Agency and the Council's Ecologist had both been consulted with and that they were both satisfied with the drainage appraisal. In response to a further question he added that there was a condition attached to the recommendation to protect the public footpath on the site.

Councillor JW Hope was given the opportunity to close the debate but chose to make no additional statement.

RESOLVED

1. The Head of Legal and Democratic Services be authorised to complete the planning obligation under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms (attached as annex).
2. 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. The scheme for the provision and implementation of a surface water regulation system as described in the Flood Risk Assessment (Envireau Water 8/08/10) must be submitted to and approved in writing by the Local Planning Authority within three months of the date of this decision notice. Such a scheme shall be implemented to the reasonable satisfaction of the Local Planning Authority prior to the construction of any impermeable surfaces draining to the system.

Reason: To prevent the increase in flooding caused by additional surface water run-off from the polytunnel development and to comply with Policy DR7 of the Herefordshire Unitary Development Plan.

2. The recommendations set out in the ecologist's reports dated June 2009 and June 2010 will be followed, unless otherwise agreed in writing by the Local Planning Authority with an agreed timetable within three months of the date of this decision notice and the works shall be implemented as approved. A habitat protection, enhancement and management scheme based upon the recommendations in the above reports shall be submitted to the Local Planning Authority within three months of the date of this decision notice. This shall be implemented as approved with the agreed timetable thereafter. The results of monitoring surveys will be submitted to the Local Planning Authority by 31st December in any year that they are undertaken. A qualified and experienced Clerk of Works will be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation and enhancement work.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, Policies NC1, NC6, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan and Planning Policy Statement 9: Biodiversity and Geological Conservation.

3. Prior to the 1st February in each calendar year following the date of this permission, a plan to a metric scale of at least 1:7,500 shall be submitted to the Local Planning Authority indicating the hectares (maximum) of land to be covered with polytunnels and these polytunnels will be distributed in field groups throughout the application site, and will not exceed two separate adjoining fields in number in accordance with the field plans on the indicative plans reference (TBC) submitted in support of the application.

Reason: In order to ensure that the Local Planning Authority can monitor the visual impact of the development hereby approved and to comply with Policy DR2 of the Herefordshire Unitary Development Plan.

4. No polytunnel or associated development will be situated within 30 metres of the boundary of any residential curtilage of any dwelling house that is located outside the contours of the application site. This land shall not be

used in connection to fruit production on site, such as for storage, servicing or for staff congregating area.

Reason: To safeguard the amenities of the occupiers of dwelling houses within the immediate vicinity and to comply with Policy DR2 of the Herefordshire Development Plan.

5. No polytunnel will exceed 3.9 metres in height above existing ground level.

Reason: To control the visual impact of the development in consideration of the surrounding landscape and to comply with Policy LA2 of the Herefordshire Unitary Development Plan.

6. In the event of any polytunnel hereby permitted becoming redundant for the growing of soft fruit upon the application site, the polytunnel which includes the supporting structure shall be removed off site within a period of 6 months of it last being used for soft fruit production.

Reason: To ensure that any structure that becomes redundant for fruit production does not remain on site and to comply with Policy LA2 of the Herefordshire Unitary Development Plan.

7. None of the polytunnels hereby permitted shall be covered with polythene from 15th November until 31st December in any calendar year or for the whole of the months of January and February in any calendar year.

Reason: To ensure that the visual impact of the development hereby permitted is limited to the growing season and to comply with Policy LA2 of the Herefordshire Unitary Development Plan.

8. No more than 40 hectares of the application site shall be covered with polytunnels (including the metal structure) at any one time.

Reason: To ensure that the cumulative visual impact of the development within the surrounding landscape is satisfactorily controlled and to comply with Policy DR2 of the Herefordshire Unitary Development Plan.

9. None of the polytunnels hereby permitted or the field they are located within shall be lit with artificial lighting unless agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual amenity and to comply with Policies DR2 and DR4 of the Herefordshire Unitary Development Plan.

10. A detailed landscaping scheme to include specification, method, density and location of all proposed planting will be submitted to the Local Planning Authority within three months of the date of this decision notice. The plan will clearly identify the location of existing hedgerows and ancient/veteran trees to be permanently retained. The heights at which boundary hedges will be maintained will be identified. A timetable for all landscape work will also be provided.

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

11. **A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the Local Planning Authority within three months of the date of this decision notice. The landscape management plan shall be carried out in accordance with the agreed timetable.**

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

12. **A corridor of at least 5 metres wide will be maintained for all public footpaths running through the site. (From side to side, with footpath in the middle).**

Reason: To ensure that public footpaths remain free of debris and obstruction at all times and to comply with Policy T6 of the Herefordshire Unitary Development Plan.

INFORMATIVES:

1. **N15 - Reason(s) for the Grant of Planning Permission**
2. **N19 – Avoidance of doubt – Approved Plans**
3. **I 30 - N11A Wildlife and Countryside Act 1981 (as amended) - Birds**

98. DMN/102047/F - LAND AT BISHOPSTONE FORMING, PART OF BISHOPS COURT, BISHOPSTONE BRIDGE SOLLARS, HEREFORDSHIRE, HR4 7JQ

The Principal Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided; the schedule of committee updates is appended to these minutes.

In accordance with the criteria for public speaking Mrs Flint, a neighbouring resident, spoke in objection to the application and Mr Price, the applicant, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor AJM Blackshaw, the local ward member, commented on a number of issues, including:

- The report was detailed and balanced.
- Polytunnels were essential on the site and would provide an economic benefit.
- The proposed buffer zones would address some of the concerns from the local residents.
- Concerns had been raised in respect of crop spraying and other issues which could be addressed informally by the applicant now that he was aware of them.

In response to a question regarding the concerns raised by the Parish Council in respect of the road, the Principal Planning Officer confirmed that the transportation officer had not objected to the application. The Development Manager added that the road in question was a council maintained road and that the proposed application should not result in the road network being overloaded.

The Committee felt that it was essential that lines of communication were set up between the applicant and the neighbouring residents. Members noted the success of

the liaison group which had been implemented at S&A Davies' site at Brierley and felt that a similar scheme should be introduced for the proposed application.

The Principal Planning Officer advised Members that the issue of contaminated land had been addressed with the Council's Environmental Health team and that an appropriate informative note in the recommendation addressed this issue.

Members went on to discuss the possibility of a working hours condition. It was noted that agricultural work cycles were determined by the weather, and that agricultural workers needed to work when weather was fine even if it was early in the morning. It was therefore deemed that a working hours restriction would not be viable. The Development Manager advised the Committee that the proposed buffer zone should address the concerns of neighbours more effectively than a working hours restriction.

Councillor AJM Blackshaw was given the opportunity to close the debate but chose to make no additional statement.

RECOMMENDATION

- 1. The Head of Legal and Democratic Services be authorised to complete the planning obligation under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms (attached as annex).**
- 2. 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. The scheme for the provision and implementation of a surface water regulation system as described in the Flood Risk Assessment (Envireau Water 8/08/10) must be submitted to and approved in writing by the Local Planning Authority within three months of the date of this decision notice. Such a scheme shall be implemented to the reasonable satisfaction of the Local Planning Authority prior to the construction of any impermeable surfaces draining to the system.**

Reason: To prevent the increase in flooding caused by additional surface water run-off from the polytunnel development and to comply with Policy DR7 of the Herefordshire Unitary Development Plan.

- 2. The recommendations set out in the ecologist's reports dated June 2009 and June 2010 will be followed, unless otherwise agreed in writing by the Local Planning Authority with an agreed timetable within 3 months of the date of this decision notice and the works shall be implemented as approved. A habitat protection, enhancement and management scheme based upon the recommendations in the above reports shall be submitted to the Local Planning Authority within three months of the date of this decision notice. This shall be implemented as approved with the agreed timetable thereafter. The results of monitoring surveys will be submitted to the Local Planning Authority by 31st December in any year that they are undertaken. A qualified and experienced Clerk of Works will be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation and enhancement work.**

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, Policies NC1, NC6, NC7, NC8 and

NC9 of the Herefordshire Unitary Development Plan and Planning Policy Statement 9: Biodiversity and Geological Conservation.

- 3. Prior to the 1st February in each calendar year following the date of this permission, a plan to a metric scale of at least 1:7,500 shall be submitted to the Local Planning Authority indicating the hectares (maximum) of land to be covered with polytunnels and these polytunnels will be distributed in field groups throughout the application site, and will not exceed two separate adjoining fields in number in accordance with the field plans on the indicative plans reference (TBC) submitted in support of the application.**

Reason: In order to ensure that the Local Planning Authority can monitor the visual impact of the development hereby approved and to comply with Policy DR2 of the Herefordshire Unitary Development Plan.

- 4. No polytunnel or associated development will be situated within 30 metres of the boundary of any residential curtilage of any dwelling house that is located outside the contours of the application site. This land shall not be used in connection to fruit production on site, such as for storage, servicing or for staff congregating area.**

Reason: To safeguard the amenities of the occupiers of dwelling houses within the immediate vicinity and to comply with Policy DR2 of the Herefordshire Development Plan.

- 5. No polytunnel will exceed 3.9 metres in height above existing ground level.**

Reason: To control the visual impact of the development in consideration of the surrounding landscape and to comply with Policy LA2 of the Herefordshire Unitary Development Plan.

- 6. In the event of any polytunnel hereby permitted becoming redundant for the growing of soft fruit upon the application site, the polytunnel which includes the supporting structure shall be removed off site within a period of 6 months of it being last used for soft fruit production.**

Reason: To ensure that any structure that becomes redundant for fruit production does not remain on site and to comply with Policy LA2 of the Herefordshire Unitary Development Plan.

- 7. None of the polytunnels hereby permitted shall be covered with polythene from 15th November until 31st December in any calendar year or for the whole of the months of January and February in any calendar year.**

Reason: To ensure that the visual impact of the development hereby permitted is limited to the growing season and to comply with Policy LA2 of the Herefordshire Unitary Development Plan.

- 8. No more than 25 hectares of the application site shall be covered with polytunnels (including the metal structure) at any one time.**

Reason: To ensure that the cumulative visual impact of the development within the surrounding landscape is satisfactorily controlled and to comply with Policy DR2 of the Herefordshire Unitary Development Plan.

9. **None of the polytunnels hereby permitted or the field they are located within shall be lit with artificial lighting unless agreed in writing with the Local Planning Authority.**

Reason: In the interests of the visual amenity and to comply with Policies DR2 and DR4 of the Herefordshire Unitary Development Plan.

10. **A detailed landscaping scheme to include specification, method, density and location of all proposed planting will be submitted to the Local Planning Authority within three months of the date of this decision notice. The plan will clearly identify the location of existing hedgerows and ancient/veteran trees to be permanently retained. The heights at which boundary hedges will be maintained will be identified. A timetable for all landscape work will also be provided.**

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

11. **A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the Local planning Authority, within three months of the date of this planning approval. The landscape management plan shall be carried out as approved.**

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

- 12 **The applicant be required to set up a liaison group for local residents in order to address any areas of concern.**

INFORMATIVES:

1. **N15 - Reason(s) for the Grant of Planning Permission**
2. **N19 – Avoidance of doubt – Approved Plans**
3. **I 30 - N11A Wildlife and Countryside Act 1981 (as amended) – Birds**
4. **The application site may include a number of areas of 'unknown filled ground' which can be associated with potentially contaminative material and as such it is possible that unforeseen contamination may be present on the site. Consideration should be given to the possibility of encountering contamination on the site as a result of its former uses and specialist advice be sought should any be encountered during the development.**

99. DMN/102048/F - LAND AT BROBURY FARM, BROBURY-WITH-MONNINGTON, HEREFORDSHIRE

The Principal Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided; the schedule of committee updates is appended to these minutes.

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

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor JW Hope, the local ward member, advised the Committee that he supported the application and drew their attention to the comments he made on the other applications submitted by the applicant.

Members made a further reference to the liaison group which had been implemented at S&A Davies' site at Brierley and felt that a similar scheme should be introduced for the proposed application.

Councillor JW Hope was given the opportunity to close the debate but chose to make no additional statement.

RECOMMENDATION

- 1. The Head of Legal and Democratic Services be authorised to complete the planning obligation under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms (attached as annex).**
- 2. 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. The scheme for the provision and implementation of a surface water regulation system as described in the Flood Risk Assessment (Envireau Water 8/08/10) must be submitted to and approved in writing by the Local Planning Authority within three months of the date of this decision notice. Such a scheme shall be implemented to the reasonable satisfaction of the Local Planning Authority prior to the construction of any impermeable surfaces draining to the system.**

Reason: To prevent the increase in flooding caused by additional surface water run-off from the polytunnel development and to comply with Policy DR7 of the Herefordshire Unitary Development Plan.

- 2. The recommendations set out in the ecologist's reports dated June 2009 and June 2010 will be followed, unless otherwise agreed in writing by the Local Planning Authority with an agreed timetable within three months of the date of this decision notice and the works shall be implemented as approved. A habitat protection, enhancement and management scheme based upon the recommendations in the above reports shall be submitted to the Local Planning Authority within three months of the date of this decision notice. This shall be implemented as approved with the agreed timetable thereafter. The results of monitoring surveys will be submitted to the Local Planning Authority by 31st December in any year that they are undertaken. A qualified and experienced Clerk of Works will be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation and enhancement work.**

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, Policies NC1, NC6, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan and Planning Policy Statement 9: Biodiversity and Geological Conservation.

- 3. Prior to the 1st February in each calendar year following the date of this permission, a plan to a metric scale of at least 1:7,500 shall be submitted to the Local Planning Authority indicating the hectares (maximum) of land to**

be covered with polytunnels and these polytunnels will be distributed in field groups throughout the application site, and will not exceed two separate adjoining fields in number in accordance with the field plans on the indicative plans reference (TBC) submitted in support of the application.

Reason: In order to ensure that the Local Planning Authority can monitor the visual impact of the development hereby approved and to comply with Policy DR2 of the Herefordshire Unitary Development Plan.

4. No polytunnel or associated development will be situated within 30 metres of the boundary of any residential curtilage of any dwelling house that is located outside the contours of the application site. This land shall not be used in connection to fruit production on site, such as for storage, servicing or for staff congregating area.

Reason: To safeguard the amenities of the occupiers of dwelling houses within the immediate vicinity and to comply with Policy DR2 of the Herefordshire Development Plan.

5. No polytunnel will exceed 3.9 metres in height above existing ground level.

Reason: To control the visual impact of the development in consideration of the surrounding landscape and to comply with Policy LA2 of the Herefordshire Unitary Development Plan.

6. In the event of any polytunnel hereby permitted becoming redundant for the growing of soft fruit upon the application site, the polytunnel which includes the supporting structure shall be removed off site within a period of 6 months of it last being used for soft fruit production.

Reason: To ensure that any structure that becomes redundant for fruit production does not remain on site and to comply with Policy LA2 of the Herefordshire Unitary Development Plan.

7. None of the polytunnels hereby permitted shall be covered with polythene from 15th November until 31st December in any calendar year or for the whole of the months of January and February in any calendar year.

Reason: To ensure that the visual impact of the development hereby permitted is limited to the growing season and to comply with Policy LA2 of the Herefordshire Unitary Development Plan.

8. No more than 16 hectares of the application site shall be covered with polytunnels (including the metal structure) at any one time.

Reason: To ensure that the cumulative visual impact of the development within the surrounding landscape is satisfactorily controlled and to comply with Policy DR2 of the Herefordshire Unitary Development Plan.

9. None of the polytunnels hereby permitted or the field they are located within shall be lit with artificial lighting unless agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual amenity and to comply with Policies DR2 and DR4 of the Herefordshire Unitary Development Plan.

10. **A detailed landscaping scheme to include specification, method, density and location of all proposed planting will be submitted to the Local Planning Authority within three months of the date of this decision notice. The plan will clearly identify the location of existing hedgerows and ancient/veteran trees to be permanently retained. The heights at which boundary hedges will be maintained will be identified. A timetable for all landscape work will also be provided.**

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

11. **A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the Local Planning Authority within three months of the date of this decision notice. The landscape management plan shall be carried out in accordance with the agreed timetable.**

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

- 12 **The applicant be required to set up a liaison group for local residents in order to address any areas of concern.**

INFORMATIVES:

1. **N15 - Reason(s) for the Grant of Planning Permission**
2. **N19 – Avoidance of doubt – Approved Plans**
3. **I 30 - N11A Wildlife and Countryside Act 1981 (as amended) - Birds**

100. DMSE/100298/O - LAND OPPOSITE CATTLE MARKET, NETHERTON ROAD, ROSS ON WYE, HEREFORDSHIRE, HR9 7QQ

The Principal Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided; the schedule of committee updates is appended to these minutes.

In accordance with the criteria for public speaking Mr Barnett, the applicant, spoke in support of his application.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor PGH Cutter, one of the local ward members, commented on a number of issues, including:

- The primary concerns related to ecology on the site. However the recent survey had found no ecological issues.
- The area was an industrial estate and was therefore an appropriate area for industrial development.
- It was important to promote businesses in Herefordshire's market towns.
- The issue of the land being 'built up' could be addressed by appropriate conditions.

In response to a question, the Senior Planning Officer confirmed that the application was for outline approval only but that the indicative plans did indicate that there would be an access at the back of the units.

Members noted that the site was in a poor condition due to the lack of any general upkeep and the ongoing fly-tipping problem in the area. They felt that the development would improve the site dramatically and also felt that the proposed buffer zone would improve the ecology of the site by encouraging wildlife.

The Development Manager advised Members that the proposal was not acceptable for the site. He added that the site was within an AONB, and that any approval would have an adverse impact on the landscape and ecology of the area. In response to a further point he stated that although the ecology report hadn't identified any rare species, the brook still needed to be preserved as wildlife could migrate to the site in the future. He noted that the brook was only 5 metres away from the proposed industrial units.

Some Members voiced their concerns in respect of ecology and landscaping on the site as well as concerns regarding the proposed level of infill required for the site due to its topography. They also noted that the application was contrary to a number of planning policies as set out in the Officer's recommendation.

The Locum Lawyer and the Development Manager had a brief discussion in respect of section 4.8.10.2 of the Council's Constitution regarding the Further Information Report process. The Development Manager and the Locum lawyer, representing the Monitoring Officer, both felt that a Further Information Report would not be required and therefore the Committee could proceed to the vote.

Councillor Cutter was given the opportunity to close the debate in accordance with the Council's Constitution. He reiterated his opening remarks and commented on a number of additional issues, including:

- Model Farm was intended for technological enterprises in a live/work environment however there had been little progress with the site in the previous 4 years.
- Alton Road was filling up and also had planning permission for a residential care home which would take additional space.
- More employment opportunities were needed in the south of the County.
- The application should be supported.

RESOLVED

That the application be approved subject to appropriate conditions to be determined by Officers in consultation with the Chairman and Local Ward Members.

101. DMS/102193/F - LAND OPPOSITE THE BELL INN, TILLINGTON, HEREFORDSHIRE, HR4 8LH

The Principal Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided; the schedule of committee updates is appended to these minutes.

In accordance with the criteria for public speaking Mrs Reynolds, representing Burghill Parish Council, and Mrs Roberts, a local resident, both spoke in objection to the application, and Mr Ball, the applicant's agent, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor SR Robertson, the local ward member, commented on a number of issues, including:

- There were a number of local concerns regarding the highways and road safety.
- 55 metres of hedgerow would have to be removed to allow for a suitable access.
- The translocation of hedgerow was not always successful.
- There was no footpath so people would have to walk along a busy road. There had been a number of accidents on the road including an incident where 2 horses were killed in a collision with a motor vehicle.
- The site was in a dominant position and would therefore change the character of the area.
- There would be no new employment opportunities as all of the staff would be moved from the current operation.
- The site was not suitable for any further expansion.
- The applicant's son was a local resident who lived within the parish, he wished his support for the application to be noted.
- In 1999 an access onto the road was refused due to Highways concerns.
- Concerns had been raised due to the volume of water to be extracted from the site.

In response to a number of questions, the Principal Planning Officer confirmed that there was a maximum capacity for 20 cubic metres of water to be extracted from the site although this would not all be used. She also confirmed that the application proposed the removal of 55 metres of hedgerow although some of this would be translocated. Finally she added that her discussions with the Highways team had not identified any recorded accidents on the highway.

Members discussed the application and felt that the siteline and visibility would be greatly improved if the application was approved. They felt that a number of the objections regarding screening, and the site in general could be addressed through appropriate conditions. On balance they felt that the Committee should be seen to be supporting rural enterprises and felt that the application should be approved.

Members made particular reference to the issue of screening and felt that it would be appropriate to ensure that mature trees were used to protect the neighbouring residents. In response the Principal Planning Officer advised that Members could condition a landscape management plan which could address the height and species of any proposed screening

Members also noted that the access would be improved for the neighbouring resident as a result of the improvements to the site. Members noted that the access to the site was onto the C1099 which ran from Tillington to Credenhill. Members noted that the Planning Committee could not condition any speed restrictions on the road but requested that the Highways investigate the viability of a speed restriction.

In response to a question raised by Members, the Principal Planning Officer confirmed that the recommendation contained a condition to address the issue of surface water drainage on the site. She also advised that the application was for one polytunnel and that any additional polytunnels would require planning consent.

It was noted that the packing shed on the site was quite a large building and that although the applicant had removed one of the polytunnels, the remaining one had been increased in size. The importance of Parish Plans in the planning process was also raised with one member feeling that more weight should be given to them.

In response to a question, the Locum Lawyer confirmed that condition 18 was solely a restriction on working hours for the construction of the site and not for its operation.

Councillor Robertson was given the opportunity to close the debate in accordance with the Council's Constitution. She reiterated her opening remarks and commented on a number of additional issues, including:

- The application was contrary to Planning Policies DR2, DR3, DR4, DR6, E11, E13, LA2 and LA5 and it should therefore be refused.
- The road did not fit the criteria for having a speed restriction.
- If Members were minded to approve the application could the local member be consulted regarding landscaping and materials.

RESOLVED

That planning permission be granted subject to the following conditions:

1. **A01 Time limit for commencement (full permission).**
2. **G10 Landscaping scheme.**
3. **G11 Landscaping scheme - implementation.**
4. **H03 Visibility splays.**
5. **H06 Vehicular access construction.**
6. **H09 Driveway gradient.**
7. **H13 Access, turning area and parking.**
8. **C01 Samples of external materials.**
9. **F01 Restriction on hours of working.**
10. **Restriction on hours of delivery.**
11. **The use / buildings hereby permitted shall not be open to customers at any time.**

Reason: In the interests of highway safety and the amenities of the locality having regard to policies DR2 and DR3 of the Herefordshire Unitary Development Plan.

12. **F06 Restriction on use.**
13. **I32 Details of floodlighting / external lighting.**
14. **K4 Nature Conservation - Implementation.**
15. **K5 Habitat Enhancement Scheme.**
16. **H27 - Parking for site operatives.**
17. **G01 - Earthworks (including ponds, access and surrounding areas).**

18. **I16 - Restriction of hours during construction.**
19. **I18 - Scheme of foul drainage disposal.**
20. **Prior to the commencement of works a full working method statement for the translocation and subsequent monitoring (including timetable of works) of the hedgerow identified on the approved plans shall be submitted to and approved in writing by the local planning authority. Works shall be carried out in accordance with the approved details.**

Reason: In the interests of landscape impact and to ensure that the nature conservation interest of the site is protected having regard to policies LA2, LA5, LA6, NC1 of the Herefordshire Unitary Development Plan.

Informative:

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

102. DMS/101907/O - LAND ADJACENT TO HOLLY BUSH, CRAFTY WEBB, BREDWARDINE, HEREFORDSHIRE, HR3 6BZ

The Principal Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided; the schedule of committee updates is appended to these minutes.

In accordance with the criteria for public speaking Mr Allcock, representing Mr and Mrs Meek, spoke in objection to the application and Mr Minton, the applicant, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor PD Price, the local ward members, commented on a number of issues, including:

- The previous application was withdrawn and not refused as stated at 3.1 of the report.
- The applicant's son suffered from Prada Willi syndrome resulting in learning difficulties and an eating disorder.
- The applicant's son required almost constant supervision and there were 3 generations of the applicant's family in Bredwardine who were willing to assist.
- The local community and parish council were both in support of the application.
- Due to the nature of the eating disorder, the applicant's son needed to be away from services such as shops and supermarkets.
- Policy DR2 was not appropriate for a single dwelling.
- The building of one dwelling would not significantly impact on policy H2.
- Bredwardine had no settlement boundary so the proposed dwelling could not be referred to as 'outside of the settlement boundary' therefore policy H7 should not be considered.
- The application was actually in accordance with Policy H10 as there was clear evidence of a long term local need.
- The dwelling could be made affordable in perpetuity subject to a suitable condition.
- Although the site was currently green field it was previously a residential dwelling with the final remains cleared from the site in 1958.

Members discussed the report and noted the sensitive issues regarding the application. They felt that in their opinion there was a long term local need for the dwelling and that

therefore it was not contrary to Policy H10 of the Council's Unitary Development Plan. It was also noted that there had previously been a residential dwelling on the site, albeit some years ago.

Members also discussed the issue of affordable housing and they were clear in their minds that any dwelling on the site should remain affordable in perpetuity. The Development Control Manager advised that this could be achieved through a Section 106 agreement between the applicant and Herefordshire Council. He added that the Section 106 agreement could also cover the issue of a trust fund which had been raised by the applicant.

The Development Manager voiced his concerns in respect of the application and felt that it was contrary to planning policy. He advised Members that there was a need to protect the countryside; that the site was not an appropriate site for a new dwelling and that it was contrary to planning policy. He added that policy H10 addressed sites which were within or adjoining the settlement boundary and that in his opinion the proposed site did not fulfil this criteria. The Locum Lawyer concurred with the Development Manager in respect of the application being contrary to policy H10.

Concerns were raised in respect of the access to the site, Members felt that emergency vehicles would have difficulty in accessing the site due to the steep incline. They did however not see this factor as a significant reason for refusing the application as the settlement of Bredwardine as a whole had access problems due to its location and topography. It was noted that the remote location of the site would be beneficial to the applicant's son's health and wellbeing.

The Locum Lawyer and the Development Manager had a brief discussion in respect of section 4.8.10.2 of the Council's Constitution regarding the Further Information Report process. The Development Manager and the Locum lawyer, representing the Monitoring Officer, both felt that a Further Information Report would not be required and therefore the Committee could proceed to the vote.

Councillor Price was given the opportunity to close the debate in accordance with the Council's Constitution. He reiterated his opening remarks.

RESOLVED

- 1. The Head of Legal and Democratic Services be authorised to complete the planning obligation under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms**
- 2. Upon completion of the above-mentioned planning obligation Officers named in the Scheme of Delegation be authorised to issue planning permission subject to appropriate conditions to be agreed in consultation with the Chairman and Local Ward Member conditions:-**

103. DATE OF NEXT MEETING

Members noted the date of the next meeting.

APPENDIX 1 - SCHEDULE OF COMMITTEE UPDATES (Pages 1 - 4)

The meeting ended at 1.35 pm

CHAIRMAN

PLANNING COMMITTEE

Date: 12 January 2011

Schedule of Committee Updates/Additional Representations

Note: The following schedule represents a summary of the additional representations received following the publication of the agenda and received up to midday on the day before the Committee meeting where they raise new and relevant material planning considerations.

DMN/102045/F - Continue to erect, take down and re erect polytunnels rotated around fields as required (Retrospective) at Land at Oakchurch Farm, Church Road, Staunton On Wye, Herefordshire, HR4 7NE

FOR: Mr Price per Mr Antony Aspbury, Unit 20 Park Lane Business Centre, Park Lane, Basford, Nottingham, NG6 0DW

ADDITIONAL REPRESENTATIONS

A request has been received from Mr. Lanigan, Field Cottage, Staunton on Wye, to express his thanks for the way in which Officers and in particular the applicant, during the application processing period, have engaged in consultations with members of the public in respect of polytunnel development within Staunton and the surrounding area.

OFFICER COMMENTS

It is recommended that an additional condition is attached in order to clarify a time period for clearing existing raspberries off site in accordance with the amended plans submitted by the applicants for a buffer zone in front of Field Cottage.

CHANGE TO RECOMMENDATION

Add Condition

Within 1 month of the date of this approval notice, a timetable will be submitted to and approved in writing by the Local Planning Authority of a schedule of works for removal of the existing raspberry crop on the site of the proposed buffer zone in front of the property known as Field Cottage, and the land re-instatement, as indicated on amended plan ref. number Fig DLA 1290/04 – Rev b. These works will be carried out in full within 4 months of the date of this decision notice.

Reason: In consideration of the amenity and visual impact of the surrounding area and to comply with Polices DR2 and LA2 of the Herefordshire Unitary Development.

DMN/102047/F - Continue to erect, take down and re erect polytunnels rotated around fields as required (retrospective) at Land at Bishopstone forming, part of Bishops Court, Bishopstone/Bridge Sollars, Herefordshire, HR4 7JQ

FOR: Mr Price per Mr Antony Aspbury, Unit 20 Park Lane Business Centre, Park Lane, Basford, Nottingham, NG6 0DW

ADDITIONAL REPRESENTATIONS

A further letter of objection has been received via email from Dr. Jill Donnelly, a local resident in Bishopstone. Concerns are raised about the close proximity of polytunnels to Dr. Donnelly's dwelling, (field reference number 'E' on the southern tip of the application site). She states that polytunnels situated 30 metres in distance from her dwelling are too close and that they would spoil her views.

OFFICER COMMENTS

As a result of further negotiation, the applicant has offered a buffer zone alongside the north eastern side of Field number 'E' adjacent to the hamlet known as Bishopstone.

It is recommended that an additional condition is attached to any approval notice issued to ensure that the proposed buffer zone is installed in the event of polytunnel development on this field.

CHANGE TO RECOMMENDATION

Add Condition

No polytunnels or associated development will be situated within the north eastern triangular section of the most southerly situated field in accordance with drawing number Fig DLA 1292/04 – Rev a, for a distance of at least 100 metres alongside the buffer zone's easterly boundary with the property known as 'Daren View'.

Reason: In consideration of the amenity of surrounding dwellings and to comply with Policy DR2 of the Herefordshire Unitary Development Plan.

DMSE/100298/O - Light industrial units B1 use at Land opposite Cattle Market, Netherton Road, Ross On Wye, Herefordshire, HR9 7QQ

FOR: Mr Barnett per Mr M F Freeman, Ruardean Works Varnister Road, Near Drybrook, Gloucester, GL17 9BH

ADDITIONAL REPRESENTATIONS

The applicants have raised concern with the committee report and have provided the following comments which, they consider will assist Members.

Paragraph 6.5 states that “While, a 7m buffer zone is proposed” This is misleading because it fails to mention the fact that there is also a 'Landscape zone' running alongside the 7m buffer zone. This is very important to get across to the members because it provides as previously mentioned above a significant planning gain in that there is an element of landscaping re-introduced which will screen the development and support wildlife and ecology. For clarity the buffer zone is an area which will not be built upon or disturbed by the works. Members need to be aware that the landscape zone is significant in size being up to 13m in width in some areas.

Paragraph 6.6 states that the application “will preclude reinstating the area of trees that were originally on the site”. Whilst this may be true it is misleading in our opinion because it does not mention the fact that the scheme includes replanting of a landscaped area which will create a buffer zone. This is a fundamental planning gain of the application because if the application is not approved then the area will remain cleared and no landscaping will be re-introduced. The application also provides an opportunity for the council to secure this landscaping by condition or TPO to ensure that this remains in the future.

Paragraph 6.8 states that “In relation to functional issues, the proposed infilling raises practical concerns about the future stability of a high steep bank close to a watercourse, particularly before it is vegetated and about the difficulties of maintaining planting on a steep sided bank.” We have submitted evidence from our structural engineers that it is feasible to construct this embankment and any concern from planting this area has been confirmed by our landscape architect who has confirmed that this area can be planted. If anyone is worried about material falling into the buffer zone then as part of the detailed application to follow we can allow for a temporary concrete wall to be installed which can then be craned out of position on the completion of the development. This would satisfactorily deal with the concern raised in this point.

Paragraph 6.9 states “retaining this piece of land and allowing it to naturally regenerate would have a positive outcome – maintaining the spatial character, increasing the amount of screening and providing wildlife habitat” The applicant has purchased the land as a potential development site and will not allow the site to regenerate. They will continue to keep the site cleared of any landscaping until they secure consent for the development. At no stage has it been indicated by the applicant that this is an option for the site and it is misleading to inform the members that this what will happen if the scheme is refused.

Paragraph 6.9 it states “The embankment would require a retaining wall to be constructed along the length of the raised ground” This is not correct and a retaining wall is not required which has been illustrated in the sections that have been submitted to you. The section submitted by Simpson Associates (Engineers) does not specify that a retaining wall is required to support the development?

Paragraph 6.10 states “The section drawing that was submitted with the application does not include a scale so it is not possible to assess whether the proposals are feasible. This is a valid concern but we have submitted sections which are to scale to demonstrate that the development does fit within the site area. It is again misleading to leave this statement in without a conclusion. As you are aware this is only an outline application but we are happy to provide whatever information necessary to demonstrate to you and your ecologist that this works. We feel that we have provided you with sufficient information to deal with this point positively but if you do require further information then you just need to let us know.

NO CHANGE TO RECOMMENDATION

DMS/102193/F- Forming of new access and site road. Construction of new packing shed. Erection of 1 no. polytunnels. Placing of 4 no. mobile storage units on site at Land opposite the Bell Inn, Tillington, Herefordshire, HR4 8LH

FOR: Wetland Plants per Mr Richard Ball, Ilex, Ashfield Crescent, Ross On Wye, Herefordshire, HR9 5PH

OFFICER COMMENTS

Following the discussion at the previous committee the applicant has amended the plans to omit one of the two polytunnels from the proposed scheme (description amended as above). This single polytunnel would measure 9m by 26m with a maximum height of 3.5m. The polytunnel will be cut into the ground and be sited adjacent to the hedge to the east of the site, furthest from the highway.

The amended plan also details the hedge planting along the boundary with the neighbouring property. The conditions previously recommended would still be appropriate.

NO CHANGE TO RECOMMENDATION

DMS/101907/O - Site for erection of affordable home at Land adjacent to Holly Bush, Crafty Webb, Bredwardine, Herefordshire, HR3 6BZ

FOR: Mr Minton, Dolvach Farm, Bredwardine Hill, Bredwardine, Herefordshire, HR3 6BZ

ADDITIONAL REPRESENTATIONS

A further letter has been received from a property (Oak Cottage) that adjoins the application site. Mr and Mrs Howe are unable to attend. They reiterate their concerns and state that the site is outside the settlement boundary of Bredwardine. It has been refused twice before and hopefully will again. It is Kilvert country and as such precedents must not be allowed.

NO CHANGE TO RECOMMENDATION