

MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 29 June 2011 at 10.00 am

Present: Councillor PGH Cutter (Chairman)
Councillor BA Durkin (Vice Chairman)

Councillors: PA Andrews, AN Bridges, PJ Edwards, DW Greenow, KS Guthrie, J Hardwick, JW Hope MBE, Brig P Jones CBE, JG Lester, MD Lloyd-Hayes, G Lucas, RI Matthews, FM Norman, GR Swinford and JD Woodward

In attendance: Councillors JW Millar, PM Morgan and GA Powell

13. APOLOGIES FOR ABSENCE

Apologies were received from Councillors RC Hunt and PJ Watts.

14. NAMED SUBSTITUTES (IF ANY)

There were no substitute members present at the meeting.

15. DECLARATIONS OF INTEREST

11. DMS/110942/F - Marsh Farm, Upton Bishop, Ross on Wye, Herefordshire, HR9 7UP.
Councillor PGH Cutter, Personal.

13. DMS/110810/F - Land nr. Caradoc, Sellack, Herefordshire, HR9 6LS.
Councillor PGH Cutter, Personal.

16. MINUTES

RESOLVED: That the Minutes of the meeting held on 15 June be approved as a correct record and signed by the Chairman subject to the amendment detailed below.

Item 11, Paragraph 5, Line 2 – Replace the word ‘the’ with ‘they’.

17. CHAIRMAN'S ANNOUNCEMENTS

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

18. APPEALS

The Planning Committee noted the report.

19. PLANNING ENFORCEMENT PERFORMANCE

The Committee requested that local ward members be updated on any progress made with enforcement issues in their ward.

20. DMN/102648/F - LOWER BUCKLAND, DOCKLOW, HEREFORDSHIRE, HR6 0RU

The Principal Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided in the update sheet. The Principal Planning Officer also verbally reported the receipt of a letter of objection from CPRE and an additional representation from Mrs Edwards, one of the local residents who had objected to the application.

In accordance with the criteria for public speaking Mr Brown, representing some of the local residents, spoke in objection to the application and Mr Thomas, the applicant, spoke in support.

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

- The proposed application could be the first of many if approved.
- Legislative changes could make this one of the last large turbines permitted nationally.
- The proposed turbine was considerable higher than Hereford Cathedral and only 6ft lower than Westminster Abbey.
- Positive aspects of the application were the promotion of green energy and local employment.
- It was however noted that the suggested efficiency of the turbine had been questioned and that the majority of the employment would be through the manufacture phase resulting in jobs abroad.

Members opened the debate by thanking the officers for a detailed report and a thorough site inspection. A number of members did however disagree with the case officer's recommendation to refuse planning permission.

Members went on to discuss the relevant policy issues and were of the opinion that the application was in accordance with national planning policies PPS1, PPS7 and PPS22 and Herefordshire Council Unitary Development Plan policies LA2 and CF4 and should therefore be approved contrary to the case officer's recommendation. It was also noted that the turbine would bring much needed green energy to Herefordshire.

The social, educational, environmental, and economic benefits of the application were also debated with specific note made of the applicants' offer to accept educational visits to the site. It was also noted that neither Docklow and Hampton Wafre Parish Council, Humber, Ford and Stoke Prior Group Parish Council nor Natural England had objected to the application. Members also noted that the Council's ecological officer and public rights of way officer had not objected to the application and that the conservation manager, who had objected to the application, had also stated that there would be no direct effect on key landscape and character elements.

Some members of the committee did however voice concerns in respect of the impact the application could have on the landscape. It was noted that the site was fairly isolated and granting the application could have an adverse impact on tourism within the county. Members also noted that there had been 35 letters of objection as well as objections from the Ramblers Association and the CPRE.

In response to a question, the principal planning officer confirmed that Carmarthenshire had introduced a 1500 metre separation distance between turbines and residential properties. He added that he had concerns in respect of any such policy as it failed to take into account the turbine position or the topography of the site.

Councillor JW Millar was given the opportunity to close the debate. He reiterated his opening remarks and made additional comments, including:

- The proposed wind turbine was less efficient than stated in the report and was also less efficient than other green energy solutions.
- The turbine blades could reach speeds of 200 mph.
- The Impact on the landscape could not be mitigated and the turbine would not blend in with the surroundings.
- The lack of an environmental impact assessment was regrettable.
- The proposed wind turbine would be the highest structure in the County.
- The combined weight of local objections and policy issues should result in a refusal of the application.

The Planning Policy Manager advised Members that the Forward Planning Team had been looking into a renewable energy policy and echoed the Principal Planning Officer's comments that a 1500 metre separation had not been proposed due to landscape and topography of different sites. It was also noted that the secretary of state had ruled that an environmental impact assessment was not necessary in respect of the application.

Finally the Planning Policy Manager noted that members had attended a site inspection and therefore felt that a further information report would not be necessary and that the committee could proceed to a vote.

The Democratic Services Officer explained the constitutional issues regarding a decision contrary to recommendation and advised that a further information report had not been requested by either the senior planning officer or the locum lawyer, representing the monitoring officer.

RESOLVED

THAT the application be approved, contrary to the Officer's recommendation, subject to appropriate conditions to be proposed by the Local Planning Authority

21. DMN/102668/F - HAYGROVE FARM, FALCON LANE, PIXLEY, LEDBURY, HEREFORDSHIRE, HR8 2PY

The Principal Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided in the update sheet.

In accordance with the criteria for public speaking Dr Mayers, representing some of the local residents, spoke in objection to the application and Mr Davison, the applicant, and Mr Woodman, representing the Chamber of Commerce, spoke in support.

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

- The site visit had been beneficial for members to assess the key issue of the scale of the development.
- During peak summer times there were 600 workers between the two sites.
- There was a clear economic benefit to the County as a result of Haygrove farm's operation.
- It was imperative to locate the workers from Haygrove Farm on the site in order to reduce noise disturbances as a result of workers walking between Haygrove and Redbank Farm.
- Agree with the Traffic Manager's comments.

- In respect of noise there had only been one noise complaint received by the Environmental Protection team and this had been received after the application had been submitted.
- Condition 3 was welcomed and would address some of the concerns in respect of noise.
- The zero tolerance approach to car ownership for workers on the site was welcomed.
- Mediation between all parties through regular meetings was welcomed.
- Three additional conditions were proposed to address concerns raised by local residents.

The Democratic Services Officer read out a written representation submitted by Councillor PJ Watts, the neighbouring ward member addressing concerns raised by the residents of Falcon Lane.

Members felt that the site visit had proved beneficial and had given them a chance to view the three residential areas as well as the site as a whole. They noted that there were a number of recreational areas for workers and also noted the clean and tidy nature of the site. It was also noted that the caravans could not be seen from outside of the site due to the use of mature screening and the natural topography of the land.

Members did however note the noise concerns raised by the neighbouring residents and requested that the Environmental Protection Team investigate any complaints as well as monitoring the site closely.

The Committee were disappointed that the orchard had been removed but welcomed the planting of the new orchard.

Members discussed the possibility of the applicant introducing a pool bicycle scheme to allow workers easier access to nearby amenities.

Councillor PM Morgan was given the opportunity to close the debate. She reiterated her opening remarks as well as recognising the need for improved mediation between all parties.

The Principal Planning Officer advised Members that the application only related to 61 caravans and that the proposed conditions could not be applied to the 36 lawful caravans. In response to a comment from the local ward member he confirmed that it would not be appropriate to condition the number of workers permitted on the site as the number of caravans permitted was already controlled through an appropriate condition.

The Principal Planning Officer also confirmed that the Committee could not condition a restriction on the usage of the public highway and that it would be inappropriate for them to add a condition regarding a terminal hour for music as this was dealt with through the Environmental Protection Team under separate legislation. He added that in order to address the issue of early morning noise the applicant had agreed to make an effort to not house night time workers from Redbank Farm in any of the caravans on Haygrove Farm. Finally in response to a further question he confirmed that there were quarterly management meetings where the local residents could raise concerns.

The Locum Lawyer advised Members that they could incorporate a travel plan as part of a Section 106 agreement at a later date to address the issue of loan bicycles raised by the committee. He also added that it would be appropriate for the committee to give due weight to the issue of noise in accordance with UDP policy DR13.

RESOLVED

That planning permission be granted subject to the following conditions:

- 1. The occupation of the caravans hereby permitted shall be limited to persons solely working in agriculture as defined in Section 336 of the Town and Country Planning Act 1990 (as amended) upon Haygrove Farm (Pixley), Newtown Farm (Newent), Huntington (nr. Kington), Whitehouse Farm (How Caple), Redbank and Hill House Farm as outlined in red on the six plans attached to this decision notice.**

Reason: To ensure that unrestricted residential development is not permitted in the open countryside in accordance with policy H7 of the Herefordshire Unitary Development Plan 2007.

- 2. No individual agricultural worker shall be resident upon the site for a period in excess of six months in any one calendar year.**

Reason: To ensure that the occupation of the caravans hereby permitted is restricted to temporary rather than permanent agricultural workers. Permanent agricultural workers can, in the opinion of the Local Planning Authority, be accommodated within the wider existing housing stock divorced from the Farm. This is to ensure that unjustifiable residential development in the open countryside is not permitted contrary to policy H7 of the Herefordshire Unitary Development Plan 2007.

- 3. None of the agricultural workers occupying the sixty-one caravans hereby permitted shall work within the packhouse at Redbank shown as Plan 6 attached to this decision notice.**

Reason: To restrict pedestrian movement and resultant noise along Falcon Lane, especially during the night-time, thus safeguarding the amenities of the occupiers of dwelling houses that front Falcon Lane, in accordance with policy DR2 of the Herefordshire Unitary Development Plan 2007.

- 4. The replacement orchard and all the associated planting detailed upon drawing number 001 Rev A received 11th April 2011 shall be planted prior to 1st March 2012. Any trees or plants which within a period of five years from 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 and that there is adequate replacement Orchard planting in accordance with policies LA6, NC6, NC7 and NC8 of the Herefordshire.

- 5. All of the recommendations for habitats, protected species, landscaping and habitat management detailed within the 'Landscape and Ecological Management Plan' Revised March 2011 received 11th April 2011 shall be fully implemented in full accordance with the stated timescales and thereafter maintained as such.**

An appropriately qualified ecological clerk of works shall be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation and enhancement works.

Reasons:-

A) 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, NC6 and NC7 of the Herefordshire Unitary Development Plan 2007.

B) To comply with Herefordshire Council's Unitary Development Plan policies NC8 and NC9 in relation to Nature Conservation and Bio-Diversity and to meet the requirements of Planning Policy Statement 9 'Bio-diversity and Geological Conservation' and the NERC Act 2006.

- 6. In the event of the caravans hereby permitted becoming redundant for purpose (i.e. no longer required to accommodate persons solely working in agriculture as defined in Section 336 of the Town and Country Planning Act 1990 (as amended) upon Haygrove Farm (Pixley), Newtown Farm (Newent), Huntington (nr. Kington), Whitehouse Farm (How Caple), Redbank and Hill House Farm) all sixty one caravans shall be removed from the site and the 'welfare block' (i.e. toilets and showers) and refuse storage area at 'Woodside' and 'recreational building' at 'Oakside' hereby permitted shall be demolished and all resultant materials removed from the land within a period of six months.**

Reason: To safeguard the open countryside from unjustified development in the long-term, in accordance with policies S1, S7 and LA2 of the Herefordshire Unitary Development Plan 2007.

INFORMATIVES:

- 1. The reason for granting planning permission is:-**

The siting of caravans upon Haygrove Farm to accommodate temporary agricultural workers is recognised to be a necessary accompaniment to a rural based business. The development does not conflict with the Development Plan objectives of controlling unjustified new development within the open countryside nor does it prejudice the sustainability objectives of the Plan. It is not considered that there are any undue environmental effects to justify refusal of the application. As such the development is considered to comply with the objectives of both Central Government advice and the provisions of the Development Plan.

- 2. N11A Wildlife and Countryside Act 1981 (as amended) – Birds**

- 3. For the avoidance of any doubt the documents to which this decision relates are:-**

- Landscape and Ecological Management Plan Revised March 2011 received on 11th April 2011;**
- Landscape Plan – Drawing number 001 Rev A received 11th April 2011;**
- Flood Risk Associated with Seasonal Workers Caravans and Ancillary Buildings – Report 20111 – January 2011;**
- Planning Application Form received 13th October 2010;**
- Application Site Plan (Scale 1:5,000) received 13th October 2010;**
- Screening Letter & location plan received 13th October 2010;**
- Planning Statement received 13th October 2010;**
- Site Location Plan – Drawing number BEL10-046-01 (Scales 1:10,000 & 1:1250) received 13th October 2010;**

- **Oakside and Woodside – Existing & Proposed Block Plan – Drawing number BEL10-046-02 (Scale 1:500) received 13th October 2010;**
- **Woodside : Amenity Building 2 – Toilet & Shower Block – Drawing number BEL10-046-08 (Scales 1:100 & 1:50) received 13th October 2010;**
- **Woodside : Gas Bottle & Bin Store – Drawing number BEL10-046-09 (Scales 1:100 & 1:50) received 13th October 2010;**
- **Oakside : Recreation Block – Drawing number BEL10-046-10 (Scales 1:100 & 1:50) received 13th October 2010;**
- **Landscape & Visual Impact Assessment (October 2010) received 13th October 2010;**
- **Ecological Survey dated 26th August 2011 received 13th October 2011;**
- **Transport Assessment October 2010 received 13th October 2010;**
- **Biologic Design – Wetland Ecosystem Treatment received 13th October 2011;**
- **Economic Business Statement received 13th October 2011; and**
- **Design & Access Statement received 13th October 2011.**

22. DMN/110051/F - THE MILLSTONE, GREEN LANE, LOWER EGGLETON, HEREFORDSHIRE, HR8 2UQ

The Senior Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided in the update sheet.

In accordance with the criteria for public speaking Mr Harris, representing Yarkhill Parish Council, spoke in objection to the application and Mr Jackson, the applicant's agent, spoke in support.

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

- Permission had been granted for a single caravan but the current proposal was for an extended family and 3 caravans in total.
- The application was contrary to policy H12.
- There were concerns as to the possibility of flooding on the site.
- There were no adopted policies regarding the extension of gypsy sites.
- The proposed application would result in the size of the site being trebled in size.

In response to a question from the local ward member, the Senior Planning Officer confirmed that the 40 m² dimension for the caravan had been determined based on the Council's standard amenity figures. She confirmed that this figure was in respect of each caravan.

Members noted that there was a shortfall in traveller pitches throughout the County and felt that the matter should be addressed as a matter of importance. Members felt that the report had addressed all of the key issues regarding the application and therefore felt that it should be approved in accordance with the case officer's recommendation.

In response to a proposal to approve one additional caravan on the site the Planning Policy Manager confirmed that the application had to be determined on its merits and that the only way to approve one caravan on the site would be for the committee to refuse the proposed application and request that the applicant submit a new application for one additional caravan.

In response to a number of questions the Senior Planning Officer confirmed that the Environment Agency had confirmed that the site did not fall within the flood plain. She added that the eastern boundary of the site may be susceptible to flooding but that the

area where the caravans were sited had not flooded. She also confirmed that each caravan was permitted to have a touring caravan associated with it and that the siting of the touring caravan was restricted to the hardstanding area defined in the application. Finally in response to the request for a personal condition to restrict the usage of the proposed caravans, she confirmed that condition 3 of her recommendation addressed this issue.

Councillor PM Morgan was given the opportunity to close the debate. She reiterated her opening remarks and welcomed the additional condition referred to in the Senior Planning Officer's updates.

RESOLVED

That planning permission be granted subject to the following conditions:

- 1. A01 Time limit for commencement (full permission)**
- 2. B03 Amended plans**
- 3. This permission shall be for the benefit of Mr and Mrs D R P Smith and their parents and children only and not for the benefit of the land or any other persons interested in the land.**

Reason: The nature of the development is such that it is only considered acceptable in this location having regard to the applicants' special circumstances.

- 4. G09 Details of Boundary treatments**
- 5. G10 Landscaping scheme**
- 6. G11 Landscaping scheme - implementation**
- 7. Notwithstanding the approved details, prior to commencement of the development hereby permitted the following matters shall be submitted to the Local Planning Authority for their written approval:**
 - Floor plans of the two mobile homes hereby permitted to a scale of 1:50**
 - Elevation plans of the mobile homes hereby permitted to a scale of 1:50**

The development hereby permitted 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 detail and thereafter maintained as such.

Reasons:

- a) To ensure that the size of the mobile homes are of a scale commensurate to the established functional need (ie to accommodate two individuals only); and**
- b) To safeguard the character and appearance of the countryside.**

- 8. I17 Scheme of foul drainage disposal**

23. DMS/110942/F - MARSH FARM, UPTON BISHOP, ROSS ON WYE, HEREFORDSHIRE, HR9 7UP

The Team Leader (South) gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided in the update sheet.

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

- The application site had a complex history.
- In 2009 the Planning Department accepted the existence of the track.
- The primary concern was with regard to highway safety.
- The proposed track would provide a safer environment for the residents of Tan House Lane.
- A condition restricted the use of the track to agricultural or farm vehicles would be welcomed.

In response to the comments from the local ward member, the Team Leader (South) advised the Committee that the proposed condition would not be appropriate. He added that an informative note could be added to the recommendation to address the concerns of the local member.

RESOLVED

That planning permission be granted subject to the following conditions:

- 1. B01 Development in accordance with the approved plans**
- 2. The entrance onto the B4221 shall be provided with visibility splays measuring 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 120 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 the Herefordshire Unitary Development Plan.

- 3. The access gate shall remain set back 12 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 Herefordshire Unitary Development Plan.

- 4. The new access shall be constructed in accordance with the specification providing in Appendix A1 of Herefordshire Council's Highways Specification for New Developments' from the nearside edge of the carriageway for a distance of 15 metres and shall remain in perpetuity.**

Reason: In the interests of highway safety to prevent debris from entering onto the public highway.

5. **A highway management plan, including management responsibilities and maintenance schedules for the access and track, shall be submitted to and approved in writing by the local planning authority prior to the use of the new access. The highway management plan shall be carried out in accordance with the approved details.**

Reason: In the interests of the amenity of the adjacent dwellings.

6. **None of the existing trees and/or hedgerows on the site (other than those specifically shown to be removed on the approved drawings) shall be removed, destroyed, felled, lopped or pruned without the prior approval in writing of the local planning authority.**

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

7. **No development shall take place until a scheme of tree planting between the access track and boundary of Trem y Bryn has been submitted to and approved in writing by the local planning authority. The submitted scheme shall include details of the species, sizes and positions or density of all trees to be planted and the proposed time of planting. All tree planting shall be carried out in accordance with those details.**

The trees shall be maintained for a period of five years. During this time, any trees that are removed, die or are seriously retarded shall be replaced during the next planting season with others of similar sizes and species unless the local planning authority gives written consent to any variation. If any trees fail more than once they shall continue to be replaced on an annual basis until the end of the 5-year maintenance period.

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

Informatives:

1. **HN01 Mud on highway**
2. **N15 Reason(s) for the Grant of PP/LBC/CAC**
3. **The applicant is advised that the terms of this permission allow for the use of the track for agricultural purposes only in connection with the lawful use of the land for agriculture.**

24. DMS/110593/F - THE GROVE, LLANGROVE, HEREFORDSHIRE, HR9 6EN

The Team Leader (South) gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided in the update sheet.

In accordance with the criteria for public speaking Mr Bailey, representing Llangarron Parish Council, and Mr Pridgeon, a neighbouring resident, spoke in objection to the application and Mr Pearson, the applicant, spoke in support.

The Chairman advised the Committee that the local ward member could not be present at the meeting as she was on holiday.

In response to a question regarding the need to close the existing road the Team Leader (South) advised members that the original access had suffered from poor east and west visibility and the proposed application had been submitted in order to address the concerns of the Area Engineer.

Members considered deferring the determination of the application pending a site inspection and further discussions with all parties to address the concerns raised.

In response to the request for a deferral, the Team Leader (South) advised the Committee that they could choose to delegate the decision to Officers in consultation with the local ward member. If a suitable solution could not be achieved and agreed with the local ward member, the application would come back before the committee at a later date.

RESOLVED

THAT Officers named in the Scheme of Delegation to Officers in consultation with the local ward member be authorised to seek to negotiate a revised access arrangement to overcome local concerns regarding highway safety and the potential increase in agricultural vehicles through the village.

25. DMS/110810/F - LAND NR. CARADOC, SELLACK, HEREFORDSHIRE, HR9 6LS

The Principal Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided in the update sheet.

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

Some Members of the Committee noted the concerns of the public speaker and felt that the application constituted development creep. Members noted the policy issues and were of the opinion that the application was contrary to policy DR1 of the Council's Unitary Development Plan due to the density, design, scale and mass of the proposal.

The comments of the Council's Conservation Manager were also noted and members agreed that approval of the application would result in a cramped appearance, undesirable in the wider landscape setting.

One Member of the Committee noted that the proposed application was solely for the garages and that the overall development was not being considered. The officer's recommendation was noted.

A further information report was not requested from the Planning Policy Manager or the Locum Lawyer, representing the Monitoring Officer and therefore the Committee proceeded to the vote.

RESOLVED:

That the application be refused, contrary to the officer's recommendation, for the following reasons:

- 1. The application is contrary to Policy DR1 of the Council's Unitary Development Plan in terms of density, design, scale and mass.**

2. **The application would result in a cramped appearance, undesirable in the wider landscape setting.**

26. DMS/110988/FH - OAK TREE COTTAGE, LONGTOWN, HEREFORDSHIRE, HR2 0LQ

The Principal Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided in the update sheet.

RESOLVED

That planning permission be granted subject to the following conditions:

1. **A01 Time limit for commencement (full permission)**
2. **B01 Development in accordance with the approved plans**
3. **C02 Matching external materials (extension)**

Informative:

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

27. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

Appendix 1 - Schedule of Committee Updates

The meeting ended at 1.32 pm

CHAIRMAN

PLANNING COMMITTEE

Date: 29 June 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.

SCHEDULE OF COMMITTEE UPDATES

9 DMN/102668/F - Retain 61 caravans used for residential purposes by temporary agricultural workers (i.e. 23 at 'Oakside', 8 at 'Woodside' and 30 at 'Lakeside') and the retention of a 'welfare block' and refuse storage area at 'Woodside' and a 'recreational' building at 'Oakside', at Haygrove Farm, Falcon Lane, Pixley, Ledbury, Herefordshire, HR8 2PY

FOR: Mr Davison per Mr James Waltham, Redbank Little Marcle Road, Ledbury, Herefordshire, HR8 2JL

OFFICER COMMENTS

There is an error in paragraph 1.3 of my report – the area of land at Haygrove Farm actively used for growing soft fruit is 40.61 hectares not 45.8 hectares.

Paragraph 1.4 suggests that the only source of Haygrove's seasonal labour is through SAWS, and that workers only stay for a maximum of 6 months. It should be clarified that Haygrove also employ seasonal workers from 'A8' countries, e.g. Lithuania, Latvia, Poland, who are not recruited through SAWS and can work for them for more than 6 months at any one time. Recommended condition 2 would not allow these workers to be accommodated in the 61 caravans the subject of this application.

Paragraph 1.6 - for clarity, with regard the fruit imported from South Africa this fruit is grown on Haygrove's own farm in South Africa, not simply imported from a third party.

The Council has received another application relating to the site for the retention of two mobile homes occupied by permanent agricultural workers in the vicinity of Hedgehog Cottage. This application (DMN/111373/F) has not been determined.

Since writing the Committee Report it has come to my attention that a complaint has been received by the Environmental Health Section with regard to noise nuisance caused by music from parties. An event on 11 June 2011 has been the subject of a specific complaint. The Environmental Protection Manager has written to Haygrove and has asked the complainant to keep a log of any further incidents.

In the event of a noise nuisance being established powers are provided by the Environmental Protection Act 1990 for the Council to require any noise nuisance from this type of activity to be abated.

This means that such incidents can effectively be controlled by legislation, other than the Planning legislation and as such this is not a reason to delay determination of this application.

NO CHANGE TO RECOMMENDATION

10 DMN/110051/F - Two mobile homes on established gypsy site at The Millstone, Green Lane, Lower Eggleton, Herefordshire, HR8 2UQ

FOR: Mr Smith per Mr Andrew Masefield, 66-67 Ashperton Road, Munsley, Ledbury, Herefordshire, HR8 2RY

OFFICER COMMENTS

Following further consideration it is recommended that condition 7 be replaced with the following condition:

7. Notwithstanding the approved details, prior to commencement of the development hereby permitted the following matters shall be submitted to the Local Planning Authority for their written approval:-

- Floor plans of the two mobile homes hereby permitted to a scale of 1:50
- Elevation plans of the mobile homes hereby permitted to a scale of 1:50

The development hereby permitted 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 detail and thereafter maintained as such;

Reasons:-

- A) To ensure that the size of the mobile homes are of a scale commensurate to the established functional need (i.e. to accommodate two individuals only); and
- B) To safeguard the character and appearance of the countryside

Further to this condition the following informatives are recommended:

1. N15 Reason(s) for the Grant of PP/LBC/CAC
2. In relation to condition 7 above, and in accordance with the Local Authorities amenity standards, the applicant is advised that the gross floor space for each mobile home should not exceed 40m².

CHANGE TO RECOMMENDATION

Substitute condition 7 as recommended above.

11 DMS/110942/F - Retention of farm track at Marsh Farm, Upton Bishop, Ross on Wye, Herefordshire, HR9 7UP

FOR: Mr and Mrs Maquire & Mr & Mrs Ben & Agnes Tapsell per Dr Angus Murdoch, Murdoch Planning, PO Box 71, Ilminster, Somerset, TA19 0WF

OFFICER COMMENTS

Notification has been received from English Heritage that Marsh Farmhouse has been de-listed. The issue relating to the impact of the farm track upon the setting of listed buildings remains relevant as the associated threshing barn remains listed (Grade II).

NO CHANGE TO RECOMMENDATION

12 DMS/110593/F - Revised access layout (previously approved application DMSE/100075/F) at The Grove, Llangrove, Herefordshire, HR9 6EN

FOR: Mr Pearson per Miss Lorraine Whistance, OKX Architecture, 85 St Owen Street, Hereford, Herefordshire, HR1 2JW

ADDITIONAL REPRESENTATIONS

Letter from RA Tudhope on behalf of Llangrove Road Safety Forum, 1 Woodbine Cottages, Llangrove, Ross-on-Wye.

“A further matter arises from the fact that immediately opposite the school entrance, there is a derelict site for which plans are mooted for some 6 dwellings, with access for motor vehicles opposite the gates of the school, fronting the lane leading off the main village approach. Any excess of Grove Farm traffic endeavouring to access the lane alongside this site would add to the road safety challenge.

Furthermore, the cross road outside the school has one exit (from the south) emanating from some 25 dwellings, most with vehicles that regularly use their lane to access the main village road.

I have today met with another member of the Road Safety Forum, who related details of a chance meeting recently with Community Police Officer and a Police Road Safety Officer. These persons were conducted along the various route/s in question. Their considered opinion at the time was of sufficient substantive nature for concerns on Road Safety to be passed on to whichever party might be able to consider same. Whilst being aware that they could not become involved in any matters of pure "Planning", it was hoped they would pass on their observations. The Road Safety Forum representatives were left with the distinct impression that this would be done.”

NO CHANGE TO RECOMMENDATION

13 DMS/110810/F - Carport to plot 1 and five garages to replace garden sheds at Land nr. Caradoc, Sellack, Herefordshire, HR9 6LS

FOR: Mr Bramer per Mr Terry Egan, Ruardean Works Varnister Road, Ruardean, Nr Drybrook, Gloucestershire, GL17 9BH

ADDITIONAL REPRESENTATIONS

5 further letters of objection have been received from local residents. The letters reiterate the view that the developer should not profit further from the development by enhancing the value of the development relative to the original 1995 permission. English Heritage guidance on the topic suggests that incremental approaches to enabling development i.e. where additional enabling development is sought once the scheme is complete or underway, should not be accepted.

OFFICER COMMENTS

Officers accept that the addition of garages upon each plot will increase the value and marketability of each property. However, the application represents the opportunity to address the issue of garaging and ancillary storage across all six dwellings at one point in time, with a consistent approach to design.

NO CHANGE TO RECOMMENDATION

14 DMS/110988/FH - Extension to provide study & dressing room at Oak Tree Cottage, Longtown, Herefordshire, HR2 0LQ

FOR: Mr and Mrs Powell per Mr John Farr, Fincham, Stockley Hill, Peterchurch, Herefordshire, HR2 0SS

ADDITIONAL REPRESENTATIONS

The Parish Council has responded and has no objections.

NO CHANGE TO RECOMMENDATION

