

7 DCSW2007/3153/F - REMOVAL OF CONDITION 5 OF PLANNING PERMISSION DCSW2003/3390/F, PARCEL 2625, HOLYWELL, BLAKEMERE, HEREFORDSHIRE.**For: Mr JR Stevens, Harefield, Almeley Road, Eardisley, Hereford, HR3 6PP.****Date Received: 9th October, 2007 Ward: Golden Valley North Grid Ref: 37270, 41248****Expiry Date: 4th December, 2007**

Local Member: Councillor PD Price

1. Site Description and Proposal

1.1 The parcel of land lies to the south of the C1192 Blakemere to Preston-on-Wye road. The land is a rectangular shape and slopes southerly from the main road, measuring approximately 0.37 hectares. The land is within open countryside with Holywell Farm to the west and two residential properties located to the east, known as Spring Cottage and The Old School House.

1.2 Planning permission was granted on 21st January 2004 for the erection of a general purpose agricultural shed and new access road. Condition 5 of the permission states,

“Bee-keeping activities shall not take place anywhere on the application site except within the new agricultural building.

Reason: In order to protect the amenities of nearby properties.”

1.3 Bee-keeping activities include assembling hive parts and frames, cleaning hive parts and frames, melting wax, extracting honey, jarring honey, making syrup to feed bees and storage purposes. No active hives are kept on the site.

1.4 The application proposes the removal of condition 5.

2. Policies**2.1 Planning Policy Statements**

PPS.1 - Delivering Sustainable Development
PPS.7 - Sustainable Development in Rural Areas
PPG.24 - Planning and Noise

2.2 Herefordshire Unitary Development Plan

Policy S.1 - Sustainable Development
Policy S.2 - Development Requirements
Policy DR.2 - Land Use and Activity
Policy DR.4 - Environment
Policy DR.13 - Noise

3. Planning History

- | | | | | |
|-----|-----------------|--|---|--|
| 3.1 | NW2002/3537/O | Site for two detached houses | - | Appeal dismissed
09.07.2003 |
| | SW2003/2811/S | General purpose agricultural
building and proposed new road | - | Planning permission
required 09.10.2003 |
| | SW2003/3390/F | General purpose agricultural
shed and new access road | - | Approved 21.01.2004 |
| | DCSW2007/1932/F | Extension of agricultural building | - | Refused 17.08.2007 |

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 The Traffic Manager has no objection.

5. Representations

- 5.1 The applicant has provided the following in support of the application:

"Condition 5 is vital for the business to be as efficient as possible. This does involve some work taking place outside of the shed most of which will create no further noise to local amenities. It will allow us to work freely and inhibited. Used empty hives need to be temporarily stored outside until they are cleaned and ready to be stored inside. This is because they usually contain the large wax moth larva which will eat all the wax inside the hive if left, even eating into wood. They cannot be allowed in the building as they would destroy all the wax in the honey supers. This is an annual activity."

- 5.2 Wyese Parish Council has no objection to the proposal.

- 5.3 1 letter of objection has been received from Mr and Mrs Foulds, The Old School House, Blakemere, Hereford, HR2 9JY in which the following main points are raised:

- Not opposed to the business in principle but seek to control the scale of development on this site. Vital that the amenity of local residents is fully protected and there are safeguards in place to protect them from the hazards associated with the business.
- Unfortunately, cannot think of what alternatives would be suitable given the nature and scale of the business and the size of the land and need to protect the amenity of local residents.
- Suggest use of alternative premises such as are available on small industrial estates. Has been rejected on grounds of cost and likelihood of objections from other site users due to the presence of bees. Information indicates a highly profitable small business which could well afford to rent premises. Bee nuisance seems not to be a consideration here although there are residential properties surrounding this small site.

- Assembly side of business could be transferred elsewhere which would abolish intermittent noise nuisance.
 - Removal of condition only acceptable if clear stipulation that no 'live' hives are allowed and if boxes/hives are to be stored outside, that they should not attract bees to any appreciable extent and that all activity is contained in the shed.
- 5.4 1 letter of support has been received from Mr David Woolley, Spring Cottage, Blakemere, Hereford, HR2 9JY in which the following main points are raised:
- Condition 5 imposed 'to protect the amenities of nearby properties', and for this reason the prohibition on keeping of bees in hives on the site should continue.
 - The applicants supporting statement about the need to clean hives outside the shed to prevent contamination inside it is entirely reasonable.
 - Condition 5 should be replaced by one that specifically excludes the keeping of bees in hives on the site, but permits the reasonable handling, repair and maintenance of bee keeping equipment outdoors in the immediate vicinity of the shed.

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

6. Officer's Appraisal

- 6.1 The main issue for consideration in this application is the impact of the removal of condition 5 on the amenity of neighbouring dwellings and the impact of retaining the condition on the operation of the business.
- 6.2 Herefordshire Unitary Development Plan Policy DR2 states that proposals must provide for acceptable levels of residential amenity including privacy both within the scheme and in respect of nearby properties. The condition was imposed to protect the amenities of nearby properties.
- 6.3 Concern has been expressed about noise emanating from the activity on site. The majority of work occurs within the building. There are however, two activities that have to take place outside of the building, namely scorching brood boxes to eliminate infestation within the building of the wax moth and sawing large pieces of wood. As these activities use mechanical machinery and produce an element of noise, it would be unreasonable for the removal of condition 5 in its entirety. However, section 73 of the Town and Country Planning Act 1990 permits the removal of conditions and replacement with alternative reasonable and appropriate conditions.
- 6.4 In order that the business can operate efficiently and that the amenity of neighbours is protected it is proposed to condition these practices so that they only occur within restricted hours. In addition, a working hours condition will be applied to ensure that the business operates between certain hours during the week and is limited at weekends and public holidays. These have been discussed with the applicant.
- 6.5 A condition will also be applied that specifically excludes the keeping of bees in hives on the site in order to protect the amenities of occupiers of nearby properties.
- 6.6 There are concerns about the visual impact of the storage of brood boxes and supers whilst they are waiting to be cleaned. It is imperative that they are stored outside to prevent infestation of the building by the wax moth. A condition will be imposed that

ensures external storage will only be permitted to the north of the building, which is screened by an existing copse and out of view of adjacent dwellings.

RECOMMENDATION

That condition 5 be removed and planning permission granted subject to the following conditions:

- 1 E01 (Restriction on hours of working) - 9.00am to 5.00pm Mondays to Saturdays and 9.00am to 1.00pm Sundays, Bank or Public Holidays.**

Reason: To safeguard the amenities of the locality.

- 2 E05 (Restriction on hours of use (industrial))- No open air operation of plant, machinery or equipment shall be operated within the application site outside the following times 9am to 1pm on weekdays nor at any time on Sundays, Bank or Public Holidays.**

Reason: In order to protect the amenity of occupiers of nearby properties.

- 3 No active beehives should be kept anywhere on the application site.**

Reason: To protect the amenities of nearby properties.

- 4 The external storage of materials used in connection with the bee keeping activities is only permitted to the north of the building in the area hatched red on the accompanying plan.**

Reason: To protect the appearance of the locality.

- 5 G09 (Retention of trees/hedgerows)**

Reason: To safeguard the amenity of the area.

INFORMATIVES:

- 1 N19 - Avoidance of doubt**

Received on 15th October 2007

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

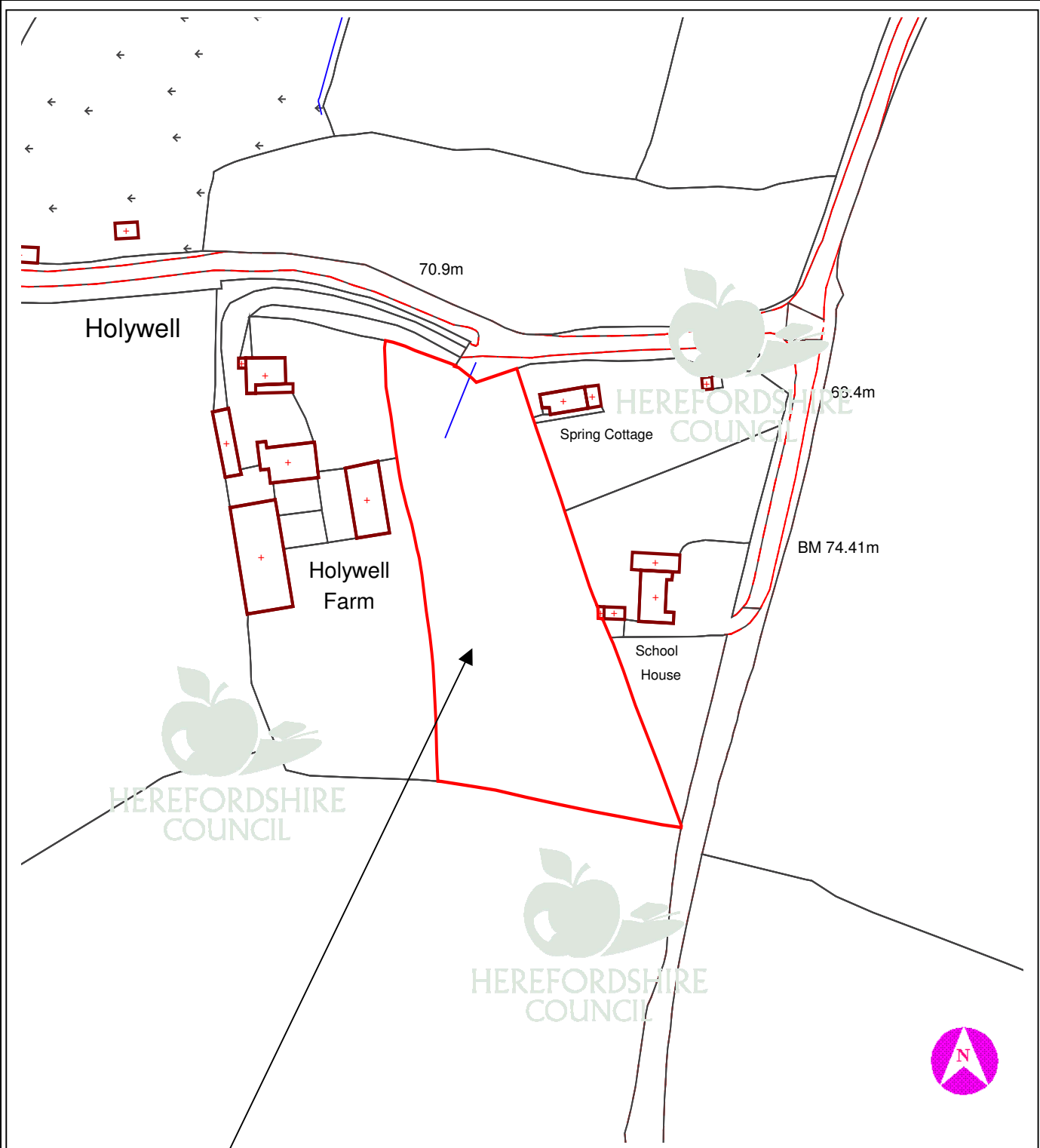
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: DCSW2007/3153/F

SCALE : 1 : 1250

SITE ADDRESS : Parcel 2625, Holywell, Blakemere, Herefordshire.

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005