

MINUTES of the meeting of Northern Area Planning Sub-Committee held at the Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday, 13th February, 2008 at 2.00 p.m.

Present: Councillor JW Hope MBE (Chairman)
Councillor *PM Morgan (Vice Chairman)

Councillors: LO Barnett, WLS Bowen, JP French, JHR Goodwin, KG Grumbley, B Hunt, RC Hunt, TW Hunt, P Jones CBE, R Mills, A Seldon, RV Stockton, J Stone, JK Swinburne and PJ Watts

In attendance: Councillors H Bramer and JE Pemberton

147. APOLOGIES FOR ABSENCE

Apologies were received from Councillors RBA Burke, ME Cooper, P Morgan and RJ Phillips.

148. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Councillor	Item	Interest
WLS Bowen	Minute 155, Agenda Item 9 DCNW2007/3767/O Land between Dark Lane and A4110, Leintwardine, Craven Arms, Herefordshire, SY7 0LJ	Declared a personal interest and remained in the meeting during consideration of this item.
JK Swinburne	Minute 158, Agenda Item 12 DCNC2007/1536/F Withers Farm, Burtons Lane, Wellington Heath, Ledbury, Herefordshire, HR8 1NF	Declared a personal interest and remained in the meeting during consideration of this item.

149. MINUTES

RESOLVED: That the minutes of the meeting held on 16th January, 2008 be approved as a correct record and signed by the Chairman.

150. ITEM FOR INFORMATION - APPEALS

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

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151. DCNW2007/3344/F - FIELD OPPOSITE THE POUND, WHITNEY-ON-WYE, HEREFORD, HEREFORDSHIRE, HR3 6EH [AGENDA ITEM 5]

Change of use of agricultural field to camp site and erection of single storey equipment store/shower and toilet facilities.

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

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

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

- 2 - The development hereby approved shall be used in relationship to overnight camping only and no caravan shall be allowed on site.

Reason: In the interests of the visual amenity of the surrounding area and in the interests of public highway safety.

- 3 - Prior to any development on site the applicants will submit to the Local Planning Authority details of a flood evacuation plan for the campsite in the event of a flood warning being issued that would include the stretch of the River Wye within close proximity to the application site.

Reason: In order to protect users of the campsite, in the event of a flood warning being issued for the river within close proximity to the application site.

INFORMATIVES:

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

152. DCNC2007/2669/O - LYNCROFT, BADLEY WOOD, WHITBOURNE, WORCESTER, WR6 5SJ [AGENDA ITEM 6]

Site for the erection of one bungalow for agricultural workers dwelling.

The following updates were reported:

- Two letters of support had been submitted from CDM Scales, Blake House, Eastham, Tenbury Wells, and Michael Edwards and Sue Hirst, Lower Lincetter, Badley Wood Common.

The former was one of the applicant's customers, commenting that the applicant always supplies high quality produce and is extremely reliable.

The latter were near neighbours who welcomed the fact that the land is being brought back into economic use, and they supported the proposal. They also noted that at the time of the hearing, it was determined that hydroponic production necessitated on-site 24 hour staffing.

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

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The Local Ward Member, Councillor TW Hunt, said that it had been helpful to defer the application in order to obtain more information about the business. He queried whether all the necessary information had been submitted. He drew comparisons with this application, and a similar one at Lower Eggleton, which had been refused and was now the subject of an appeal. He felt that the application would allow a dwelling to be built in open countryside, and that the reasons for refusal stated at a previous meeting were still valid, in spite of the receipt of further information.

The Principal Planning Officer reported that the planning application at Lower Eggleton, referred to by Councillor TW Hunt, had differed from this application in that there had been insufficient evidence to demonstrate the financial viability of the business at Lower Eggleton, whereas in respect of this application, the applicant had submitted detailed audited accounts.

In response to a question, the Principal Planning Officer confirmed that there was currently one polytunnel on the site, and that any further polytunnels would be the subject of a separate planning permission.

In response to further questions, the Head of Planning Services said that although a dwelling would not normally be permissible in the proposed location, in this case it did accord with Planning Policy Statement (PPS) 7 because the application had satisfied the function and financial tests. He also stated that it might be too restricting to amend the proposed Condition 5 so that it referred expressly to the applicant's hydroponic business, because this condition (E28) was generally intended to offer a degree of flexibility.

Having considered all the information surrounding the application, members agreed that planning permission should be granted because the application had satisfied the requirements of PPS7.

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

- 1 - A02 (Time limit for submission of reserved matters (outline permission))**
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
- 2 - A03 (Time limit for commencement (outline permission))**
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
- 3 - A04 (Approval of reserved matters)**
Reason: To enable the local planning authority to exercise proper control over these aspects of the development.
- 4 - A05 (Plans and particulars of reserved matters)**
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
- 5 - E28 (Agricultural occupancy)**
Reason: It would be contrary to Development Plan policies to grant planning permission for a dwelling in this location except to meet the expressed case of agricultural need.

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Informatives:

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

2 - N19 - Avoidance of doubt

153. DCNC2007/3391/F - FORMER ORPHANS PRESS SITE, LAUNDRY LANE, LEOMINSTER, HEREFORDSHIRE, HR6 8JT [AGENDA ITEM 7]

Proposed site for 10 dwellings.

The Local Ward Member, Councillor RC Hunt, felt that Laundry Lane posed a traffic hazard because of the high number of vehicles which parked along it as far as the junction. He said that this practice significantly reduced visibility, and he requested the imposition of a Traffic Regulation Order on the area, which would improve safety on the proposed application site. In addition, he asked that some of the funds secured through the Section 106 agreement, be used to bring Laundry Lane up to adoptable standard.

The Southern Team Leader said that it was unlikely that Laundry Lane could be constructed to an adoptable standard, due to its narrowness, and it was therefore inappropriate to set aside any funding specifically for this purpose. In addition, the Area Engineer (Development Control) said that a Traffic Regulation Order would not be advisable in this area due to the existing long-established precedent of traffic.

Councillor JP French requested that a sum of £1,500 per dwelling (referred to on Page 42 of the agenda) be included in the Section 106 agreement in order to create highway improvements. The Head of Planning Services confirmed that this would be possible, and would be used for measures to improve visibility.

RESOLVED:

(i) **That the Legal Practice Manager be authorised to complete a planning obligation agreement under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms appended to this report and any additional or amended matters which he considers to be necessary or appropriate, including a contribution of £1,500 per dwelling for highway improvements;**

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

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

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

2 - B01 (Samples of external materials)

Reason: To ensure that the materials harmonise with the surroundings.

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3 - E16 (Removal of permitted development rights)

Reason: In order that the local planning authority can consider the implications of any future development.

4 - E18 (No new windows in specified elevation)

Reason: In order to protect the residential amenity of adjacent properties.

5 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

6 - F48 (Details of slab levels)

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.

7 - G01 (Details of boundary treatments)

Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.

8 - G04 (Landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

9 - G05 (Implementation of landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

10 - H13 (Access, turning area and parking)

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

11 - H29 (Secure covered cycle parking provision)

Reason: To ensure that there is adequate provision for secure covered cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy.

12 - W01 (Foul/surface water drainage)

Reason: To protect the integrity of the public sewerage system.

13 - W02 (No surface water to connect to public system)

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

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14 - W03 (No drainage run-off to public system)

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

15 - No development shall take place until the following has been submitted to and approved in writing by the local planning authority:

- a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice.**
- b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors.**
- c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed. The Remediation Scheme shall include consideration of an proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.**

16 - The Remediation Scheme, as approved pursuant to condition no. (1) above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

Informatives:

- 1 - HN02 - Public rights of way affected**
- 2 - HN03 - Access via public right of way**
- 3 - HN04 - Private apparatus within highway**
- 4 - HN05 - Works within the highway**
- 5 - HN10 - No drainage to discharge to highway**
- 6 - HN22 - Works adjoining highway**
- 7 - HN23 - Vehicular use of public rights of way**
- 8 - N15 - Reason(s) for the Grant of PP/LBC/CAC**
- 9 - N19 - Avoidance of doubt**

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154. DCNW2008/0084/F - FOUR WINDS, MOCKTREE, LEINTWARDINE, CRAVEN ARMS, HEREFORDSHIRE, SY7 0LY [AGENDA ITEM 8]

Proposed two storey extension.

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

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

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

2 - B02 (Matching external materials (extension))

Reason: To ensure the external materials harmonise with the existing building.

3 - The 'open store area' as indicated on the east elevation of the approved plans shall remain open as indicated on the approved plans in perpetuity.

Reason: In the interests of the character and scale of the dwelling.

Informatives:

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

2 - N19 - Avoidance of doubt

155. DCNW2007/3767/O - LAND BETWEEN DARK LANE AND A4110, LEINTWARDINE, CRAVEN ARMS, HEREFORDSHIRE, SY7 0LJ [AGENDA ITEM 9]

Site for residential development for fifteen houses and garages.

The following updates were reported:

- A correction to the report was required. Leintwardine Parish Council comments should have read:

“No objection to the development of this land but the Parish Council make the following comments:

1. The access to the site appears unsafe due to poor lines of sight
2. The ownership and maintenance of the open space land is considered important without some stipulation it is likely to become neglected and something of an eyesore
3. There is doubt over the number of houses proposed which exceed the number though necessary by the recent Housing Needs Survey
4. The Parish Council would not be happy to see extra street lighting installed as a result of this development but if it is it should be of a good quality specification.”

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- Four further letters had been received, in response to the amended plans which removed the cycle path / footpath that led from the site to the west onto the A4113. The letters expressed appreciation for the removal of this, but asked that the other issues be considered, namely:
 - Density of development
 - Close proximity of the development to the existing properties
 - Building line of the dwellings being forward of the building line of the thresh bungalows (69, 71 and 73) which may impair visibility
 - The building line should be brought back in line with the building line of the bungalows

- In respect of the Protected Open Space that has been allocated as informal playing space. Herefordshire Council is willing to adopt the space but requested a Maintenance contribution. These figures have now been received in addition to a detailed plan showing the additional planting and hedgerows. An additional clause should be added to the Draft Heads of Terms as follows:
 - The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £10,085.73 to provide for the cost of improving and maintaining the on-site open space which sum shall be paid on or before the commencement of the development.

- In respect of Archaeology, reports had been requested and some trial pits undertaken. The Archaeologist commissioned by the applicant had spoken directly to the Council's Archaeologist and it is noted that whilst there are some findings, these are unlikely to be significant. Reports will be submitted shortly, and subject to these being satisfactory, the Council's Conservation Manager (Archaeologist) would recommend a condition (D01) be added to any permission granted.

In accordance with the criteria for public speaking, Ms Cutler spoke in objection to the application, and Mr Skelton spoke in support.

The Local Ward Member, Councillor LO Barnett, expressed concern about highway safety in the area, and asked for further inspections to be undertaken. She also felt that some of the proposed buildings might be encroaching too far onto the highway, and might affect visibility. In response, the Southern Team Leader said that he would request further investigations to be carried out by highways officers to ensure that the access and highway standards were acceptable in relation to the application. Furthermore, he would explore with the applicant any possible alterations to building layout and lines.

In response to a question, the Head of Planning Services stated that the proposed density of the development was in accordance with Planning Policy Statements, taking into account only the 0.48-hectare area to be developed.

RESOLVED:

- (i) **That the Legal Practice Manager be authorised to complete a planning obligation agreement under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms appended to this report and any additional or amended matters which he considers to be necessary or appropriate, including the amendment to the draft Heads of Terms outlined in the above minute;**

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(ii) Upon completion of the above-mentioned planning obligation agreement the Officer named in the Scheme of Delegation be authorised to issue planning permission subject to the following conditions, and subject to an additional Condition D01 on receipt of satisfactory archaeology reports, and subject to further investigation/negotiations in respect of highway safety and building layout and lines:

- 1 - A02 (Time limit for submission of reserved matters (outline permission))
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
- 2 - A03 (Time limit for commencement (outline permission))
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
- 3 - A04 (Approval of reserved matters)
Reason: To enable the local planning authority to exercise proper control over these aspects of the development.
- 4 - A05 (Plans and particulars of reserved matters)
Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
- 5 - B01 (Samples of external materials)
Reason: To ensure that the materials harmonise with the surroundings.
- 6 - G01 (Details of boundary treatments)
Reason: In the interests of visual amenity and to ensure dwellings have satisfactory privacy.
- 7 - G04 (Landscaping scheme (general))
Reason: In order to protect the visual amenities of the area.
- 8 - G05 (Implementation of landscaping scheme (general))
Reason: In order to protect the visual amenities of the area.
- 9 - G32 (Landscaping to include amenity land)
Reason: To ensure a reasonable standard of amenity for future occupants of the development.
- 10 - E16 (Removal of permitted development rights)
Reason: [Special Reason].

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11 - F16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents.

12 - Development shall not begin until drainage details, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted to and approved by the Local Planning Authority, and the scheme shall subsequently be implemented in accordance with the approved details before the development is completed/occupied.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

13 - (Details of Slab Levels)

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.

14 – G27 (Landscape maintenance arrangements)

Reason: In the interests of visual and residential amenity.

Informatives:

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

2 - N19 - Avoidance of doubt

156. DCNC2007/3946/F - LAND AT ST. BOTOLPHS GREEN, LEOMINSTER, HEREFORDSHIRE [AGENDA ITEM 10]

Proposed erection of 27 dwellings.

The Principal Planning Officer reported the following updates:

- The last word of Paragraph 5.1 of the report, should read “access” and not “dwelling”;
- Proposed Condition 15 was no longer necessary and would be deleted;
- In the Draft Heads of Terms, the title should be changed to reflect the application (because it contained the address details of a different application site). The Southern Team Leader confirmed, however, that the remainder of the document did relate to the correct application and so no further reviews were required.

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

The Local Ward Member, Councillor RC Hunt, expressed concern that there was no play area proposed with the development. He requested that some of the funds secured through the Section 106 agreement be used to improve the nearby cemetery.

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The Principal Planning Officer said that the application site was near to a larger development which provided additional areas of open space, meaning that it would not be devoid of leisure areas.

In response to a further question, the Principal Planning Officer confirmed that the applicant had proposed a mix of building materials on the site to add variety, and there would be some rendered elements. He also reported that the developer had been unable to propose any additional access off Southern Avenue, because the land required for this was in the ownership of another body.

RESOLVED:

- (i) That the Legal Practice Manager be authorised to complete a planning obligation agreement under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms appended to this report and any additional or amended matters which he considers to be necessary or appropriate;**
- (ii) Upon completion of the above-mentioned planning obligation agreement Officer named in the Scheme of Delegation be authorised to issue planning permission subject to the following conditions:**

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

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

- 2 - B01 (Samples of external materials)**

Reason: To ensure that the materials harmonise with the surroundings.

- 3 - F16 (Restriction of hours during construction)**

Reason: To protect the amenity of local residents.

- 4 - F40 (No burning of material/substances)**

Reason: To safeguard residential amenity and prevent pollution.

- 5 - F48 (Details of slab levels)**

Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site.

- 6 - G02 (Landscaping scheme (housing development))**

Reason: To ensure a satisfactory and well-planned development and to preserve and enhance the quality of the environment.

- 7 - G03 (Landscaping scheme (housing development) - implementation)**

Reason: To ensure a satisfactory and well-planned development and to preserve and enhance the quality of the environment.

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- 8 - The development hereby permitted shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. No construction works shall be carried out on the site unless the measures set out in the approved Construction Traffic Management Plan are in operation.

Reason: In the interests of residential amenity.

- 9 - H13 (Access, turning area and parking)

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

- 10 - H17 (Junction improvement/off site works)

Reason: To ensure the safe and free flow of traffic on the highway.

- 11 - H18 (On site roads - submission of details)

Reason: To ensure an adequate and acceptable means of access is available before the dwelling or building is occupied.

- 12 - H27 (Parking for site operatives)

Reason: To prevent indiscriminate parking in the interests of highway safety.

- 13 - H28 (Public rights of way)

Reason: To ensure the public right of way is not obstructed.

- 14 - H29 (Secure covered cycle parking provision)

Reason: To ensure that there is adequate provision for secure covered cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy.

- 15 - H30 (Travel plans)

Reason: In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives.

- 16 - H31 (Outline Travel Plan)

Reason and Informative Notes as above.

- 17 - W01 (Foul/surface water drainage)

Reason: To protect the integrity of the public sewerage system.

- 18 - W02 (No surface water to connect to public system)

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

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19 - W03 (No drainage run-off to public system)

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

20 - No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul, surface and land drainage will be dealt with. The scheme shall be submitted to and approved in writing by the local planning authority and development shall be completed in accordance with the approved scheme.

Reason: To ensure that effective drainage facilities are provided for the proposed development, and no adverse impacts occur to the environment or the existing public sewerage system.

21 - The recommendations set out in the ecologist's report dated September 2007 should be followed unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure all species of bat and their roosts are protected under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats & Countryside) Regulations 1994 (as amended) and policies NC1, NC5, NC6 and NC7 of the Herefordshire Unitary Development Plan.

Informatives:

- 1 - HN01 - Mud on highway
- 2 - HN02 - Public rights of way affected
- 3 - HN04 - Private apparatus within highway
- 4 - HN05 - Works within the highway
- 5 - HN08 - Section 38 Agreement details
- 6 - HN09 - Drainage details for Section 38
- 7 - HN10 - No drainage to discharge to highway
- 8 - HN25 - Travel plans
- 9 - N15 - Reason(s) for the Grant of PP/LBC/CAC
- 10 - N19 - Avoidance of doubt

157. DCNC2007/3464/F - LAND ADJACENT TO CHAPEL COTTAGE, WYSON LANE, BRIMFIELD, LUDLOW, HEREFORDSHIRE, SY8 4NL [AGENDA ITEM 11]

Proposed new house and detached garage.

The Local Ward Member, Councillor J. Stone, thanked officers for their work on the application, and in particular, their efforts to resolve issues of highway safety. He said, however, that he still felt that Wyson Lane was dangerous, and for this reason,

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he had reservations about the application. He commented that Wyson Lane was narrow, was extremely busy at certain times, and that the application site was close to a junction. He considered that use of the lane had increased over time, by cyclists, walkers and horse riders in addition to vehicles. In addition, he felt that the Housing Needs Survey (Policy DR3 of the Unitary Development Plan) did not support dwellings in this area, and that the proposed size of the dwelling was unjustifiably large, and would adversely affect the amenity of nearby residents. He also expressed concern over potential flooding, which had affected the area during the summer of 2007, and in 2005.

Other members expressed reservations about building dwellings in garden areas, and felt that it was not possible to rely on current information about flood plains, due to the fact that the Environment Agency was in the process of updating its information.

The Southern Team Leader reported that the site was within the settlement boundary, and there was no overlooking from the proposed property to other neighbouring residences. He said that planning policy did not prevent the applicant from erecting a dwelling in the garden area. The Head of Planning Services reminded members that they had no alternative other than to rely on the evidence submitted by the Environment Agency in relation to flooding, and that there were only a few circumstances under which an applicant was obliged to provide evidence of housing need. He said that, if members considered that the highway issues had been addressed following the previous application, there were no grounds for refusing this application.

RESOLVED: That planning permission be granted subject to the following conditions:-

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

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

2 - B01 (Samples of external materials)

Reason: To ensure that the materials harmonise with the surroundings.

3 - H03 (Visibility splays)

Reason: In the interests of highway safety.

4 - H13 (Access, turning area and parking)

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

5 - The whole of the splayed entrance shall have a sealed surface and shall remain unobstructed at all times.

Reason: In the interests of highway safety.

6 - G04 (Landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

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7 - G05 (Implementation of landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

Informatives:

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

2 - N03 - Adjoining property rights

3 - The applicants should be aware that this planning permission does not over-ride any civil/legal rights enjoyed by adjacent property owners. If in doubt the applicants are advised to seek legal advice on the matter.

4 - N14 - Party Wall Act 1996

5 - The development should be carried out in accordance with the requirements of the Deed of Mutual Covenant formally agreed between the current owners of Chapel Cottage and Cornerpost, which was submitted with the application.

6 - HN04 - Private apparatus within highway

7 - HN05 - Works within the highway

8 - HN22 - Works adjoining highway

9 - N19 - Avoidance of doubt

10 - HN10 - No drainage to discharge to highway

158. DCNE2007/1536/F - WITHERS FARM, BURTONS LANE, WELLINGTON HEATH, LEDBURY, HEREFORDSHIRE, HR8 1NF [AGENDA ITEM 12]

"Whole Farm Application" for the erection (and re-erection) of polytunnels.

The following updates were reported:

- Further representations had been received in respect of the provision of passing bays along Burtons Lane. Whilst it was considered that there may only be scope for the provision of one passing bay, it was considered that the matter could be explored further.

In response to this representation, the following officer comment was reported:

- *An amendment to the proposed condition 13 is recommended as follows:*

13. *Within three months from the date of this planning permission a scheme for the provision of motor vehicle passing bay(s) along Burtons Lane between its junction with the B4214 and the main vehicular entrance to Withers Farm shall be submitted to the Local Planning Authority for their written approval. Such a scheme must be agreed and approved in writing by the Local Planning Authority within four months from the date of this permission. The approved passing bay(s) shall be implemented by 1st September 2008 and thereafter maintained as such;*

Reason: - To ensure the free flow of traffic along Burtons Lane

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- A further representation had been received from the Herefordshire & Gloucestershire Canal Trust who now objected to the proposed development but stated that their concerns could be satisfactorily overcome by the imposition of three conditions.

In response to this representation, the following officer comment was reported:

- *Their views have been carefully considered and it is considered that recommended condition 5 together with an additional condition would suffice. The additional condition is proposed as follows:*

23. Notwithstanding the provisions of condition 14 above, there shall be no outlet headwalls constructed, engineering or other operations (including excavation / deepening to increase storage capacity) within the safeguarded route of the Herefordshire and Gloucestershire Canal without the prior written approval of the Local Planning Authority being obtained;

Reason: - To ensure that any excavation or other works that represent development do not prejudice the future restoration of the canal in accordance with policy RST9 of the Herefordshire Unitary Development Plan 2007

In accordance with the criteria for public speaking, Mr Leeds and Mr Saunders spoke in support of the application.

A Local Ward Member, Councillor R Mills, thanked the Principal Planning Officer for his excellent report, and for the clarity of information and plans provided.

The other Local Ward Member, Councillor RV Stockton, acknowledged that the officer's report was exemplary and would be used as a template for similar applications, both locally and nationally.

In response to questions, the Principal Planning Officer confirmed that:

- the applicant had considered using matt or colour-tinted plastic for the polytunnels, but that there was evidence that these measures might lead to an inferior crop yield, and so it was unreasonable to control the types of plastic with a planning condition. He added that one of the main complaints about polytunnels was the glare generated by direct sunlight reflecting off their surfaces, and that the colour of plastic had no impact on this. To limit the effect of glare, the applicant had agreed to rotate the polytunnels and restrict coverage to only one third of the permitted area at any time;
- In relation to the proposed Condition 13, the lay-by size proposed would be adequate for Heavy Good Vehicles;
- In relation to the proposed Condition 19, the 12-month time period was to allow sufficient time to set up and remove polytunnels, and was part of Government guidance.

Councillor JK Swinburne commented that the proposed two-metre distance of polytunnels from the public footpath on the site, might be insufficient. The Principal Planning Officer said that he would explore increasing the distance with the applicant.

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The Head of Planning Services commented that the report would send a clear message to other growers in respect of the standards required by the Council, and would provide the framework for Supplementary Planning Guidance in due course.

RESOLVED: That planning permission be granted subject to the following conditions, and subject to further negotiations with the applicant in respect of increasing the distance between the proposed polytunnels and the public footpath on the site:

- 1 - There shall be no polytunnels sited on land lower than 55 metres above ordnance datum.**

Reason: To maintain conveyance of flood flows and to prevent the increased risk of flooding elsewhere in compliance with policy DR7 of the Herefordshire Unitary Development Plan 2007.

- 2 - There shall be no polytunnels sited upon the areas cross-hatched in red and annotated as "No polytunnels: Setting of a listed building" as shown on the plan attached to this decision notice.**

Reason: To safeguard the setting of the listed buildings known as 'Pegs Farm' and 'Uplands' in accordance with policy HBA4 of the Herefordshire Unitary Development Plan 2007.

- 3 - There shall be no polytunnels sited within those areas cross-hatched in green and annotated as "No polytunnels: Landscape impact" as shown on the plan attached to this decision notice.**

Reason: To ensure a satisfactory visual appearance of the development hereby permitted within the landscape in accordance with policy LA2 of the Herefordshire Unitary Development Plan 2007.

- 4 - No polytunnels shall be sited within 2 metres of the centre line of any public right of way.**

Reason: To ensure that no public right of way is obstructed and to ensure that their enjoyment is safeguarded in accordance with policy T6 of the Herefordshire Unitary Development Plan 2007.

- 5 - No polytunnels shall be sited upon the safeguarded route of the Herefordshire and Gloucestershire Canal marked with blue dots and annotated as 'Safeguarded route of canal' on the plan attached to this decision notice.**

Reason: To ensure that the safeguarded route of the Herefordshire and Gloucestershire Canal is safeguarded from development in accordance with policy RST9 of the Herefordshire Unitary Development Plan 2007.

- 6 - No more than 50.7 hectares of the application site shall be covered with polytunnels at any one time.**

Reason: To ensure that the cumulative visual impact of the development within the landscape is satisfactorily controlled in accordance with policy LA2 of the Herefordshire Unitary Development Plan 2007.

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- 7 - Notwithstanding the above conditions, no more than 16.2 hectares of Zone 1 shaded with small green dots on the plan attached to this decision shall be covered with polytunnels at any one time.**

Reason: To ensure that the cumulative visual impact of the development within the landscape is satisfactorily controlled in accordance with Policy LA2 of the Herefordshire Unitary Development Plan 2007.

- 8 - Notwithstanding the above conditions, no more than 25.9 hectares of Zone 2 shaded with small yellow dots on the plan attached to this decision notice shall be covered with polytunnels at any one time.**

Reason: To ensure that the cumulative visual impact of the development within the landscape is satisfactorily controlled in accordance with policy LA2 of the Herefordshire Unitary Development Plan 2007.

- 9 - Notwithstanding the above conditions, no more than 8.6 hectares of Zone 3 shaded with small blue dots on the plan attached to this decision notice shall be covered with polytunnels at any one time.**

Reason: To ensure that the cumulative visual impact of the development within the landscape is satisfactorily controlled in accordance with policy LA2 of the Herefordshire Unitary Development Plan 2007.

- 10 - No polytunnel shall be sited within 30 metres of the boundary of any residential curtilage of any dwelling house that lies outside the confines of the application site.**

Reason: To safeguard the amenities of the occupiers of dwelling houses in the immediate vicinity in accordance with policy DR1 of the Herefordshire Unitary Development Plan 2007.

- 11 - No polytunnel shall exceed 4.25 metres above existing ground level.**

Reason: To control the visual impact of the impact of the development within the landscape in accordance with policy LA2 of the Herefordshire Unitary Development Plan 2007.

- 12 - Notwithstanding the above conditions, the landscaping scheme detailed upon drawing number 1196/09 and species mix detailed within Section 6 of the Davies Light Associates Landscape and Visual Appraisal dated 1/12/06 shall be fully planted prior to 1st March 2009. Prior to 1st October 2008 the density (i.e. number of plants/trees, precise locations and spacings) of the proposed planting shown upon a metric scaled plan of at least 1:7,500 must be agreed in writing with the Local Planning Authority. Any trees or plants which prior to 1st March 2019 die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. No polytunnels shall be sited upon these landscaped areas.**

Reason: To ensure that the development hereby permitted is satisfactorily integrated into the landscape in accordance with policy LA2 of the Herefordshire Unitary Development Plan 2007.

- 13 - Within three months from the date of this planning permission a scheme for the provision of motor vehicle passing bay(s) along Burtons Lane between its junction with the B4214 and the main vehicular entrance to**

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Withers Farm shall be submitted to the Local Planning Authority for their written approval. Such a scheme must be agreed and approved in writing by the Local Planning Authority within four months from the date of this permission. The approved passing bay(s) shall be implemented by 1st September 2008 and thereafter maintained as such.

Reason: To ensure the free flow of traffic along Burtons Lane.

- 14 - All surface water and mitigation management measures detailed in the Surface Water Mitigation and Management Report prepared by JDIH Envireau and received by the Local Planning Authority on 5th November 2007 shall be fully implemented prior to 1st January 2009 and thereafter maintained. Surface Water generated from the site shall be limited to the equivalent Greenfield run-off rate.**

Reason: To safeguard against surface water flooding of both Hollow Lane and the B4212.

- 15 - The recommendations for habitats and protected species set out in the Ecological Appraisal dated 07/10/07 prepared by Davies Light Associates shall be followed unless otherwise agreed in writing by the Local Planning Authority. The implementation of the ecological mitigation works shall be overseen by an appropriately qualified and experienced ecological clerk of works.**

Reasons: To ensure the protection of all species covered under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats, & c.) Regulations 1994 (as amended), the Badger Act 1992 and policies NC1, NC5, NC6 and NC7 of the Herefordshire Unitary Development Plan 2007.

To ensure that the law is not breached with regard to nesting birds which are protected under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) and policies NC1, NC5, NC6 and NC7 of the Herefordshire Unitary Development Plan 2007.

To comply with Herefordshire council's Unitary Development Plan policies NC8 and NC9 in relation to Nature Conservation and Biodiversity and Geological Conservation and the NERC Act 2006.

To conserve and enhance protected habitats and to maintain the foraging area for protected species in accordance policies NC6, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan 2007 and Planning Policy Statement 9.

- 16 - Within three months of from the date of this permission, a habitat creation, enhancement and management scheme, to include specified timescales for implementation, based upon the FWAG Report dated 17th October 2007 and to include a nature conservation buffer zone along the northern section of the eastern side of the canal shall be submitted to the Local Planning Authority for their written approval. The approved scheme shall be fully implemented as approved and the implementation of the ecological mitigation works shall be overseen by an appropriately qualified and experienced ecological clerk of works.**

Reasons: To ensure the protection of all species covered under the

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Wildlife and Countryside Act 1981, the Conservation (Natural Habitats, & c.) Regulations 1994 (as amended), the Badger Act 1992 and policies NC1, NC5, NC6 and NC7 of the Herefordshire Unitary Development Plan 2007.

To ensure that the law is not breached with regard to nesting birds which are protected under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) and policies NC1, NC5, NC6 and NC7 of the Herefordshire Unitary Development Plan 2007.

To comply with Herefordshire Council's Unitary Development Plan policies NC8 and NC9 in relation to Nature Conservation and Biodiversity and Geological Conservation and the NERC Act 2006.

To conserve and enhance protected habitats and to maintain the foraging area for protected species in accordance policies NC6, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan 2007 and Planning Policy Statement 9.

- 17 - There shall be no buildings, structures (including polytunnels, gates, walls and fences) or raised ground levels within 8 metres of the top of bank of the River Leadon (Main River) unless otherwise agreed in writing by the Local Planning Authority.**

Reason: To maintain access to the watercourse for maintenance or improvements.

- 18 - All existing trees and hedgerows upon the land shall be retained unless otherwise agreed in writing by the Local Planning Authority.**

Reason: To ensure that the development hereby permitted is satisfactorily integrated into the landscape in accordance with policy LA2 of the Herefordshire Unitary Development Plan 2007.

- 19 - In the event of the polytunnels hereby permitted becoming redundant for the growing of soft fruit upon the application site, the polytunnels which includes the supporting structures shall be removed from application site within a period of twelve months.**

Reason: To ensure that buildings / structures that are redundant for agricultural purposes do not remain in the landscape unnecessarily.

- 20 - None of the polytunnels hereby permitted shall be covered with polythene from 15th November until 31st December in any calendar year nor during the month of January in any calendar year, unless otherwise agreed in writing by the Local Planning Authority.**

Reason: To ensure that the visual impact of the development hereby permitted is limited to the growing periods in accordance with policy LA2 of the Herefordshire Unitary Development Plan 2007.

- 21 - There shall be no polytunnels sited within the areas cross-hatched grey and annotated as 'No Polytunnels: Proposed by applicant' as shown on the plan attached to this decision notice.**

Reason: These areas do not form part of the proposal hereby permitted

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and as such the merits of siting polytunnels upon these areas of land have not been considered.

- 22 - 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 showing the 50.7 hectares (maximum) of land to be covered with polytunnels and distributed in accordance with conditions 7, 8 and 9 above requiring maximum coverages in Zones 1, 2 & 3 of 16.2 hectares, 25.9 hectares and 8.6 hectares respectfully.

Reason: To enable the Local Planning Authority to practically monitor the development.

23. Notwithstanding the provisions of condition 14 above, there shall be no outlet headwalls constructed, engineering or other operations (including excavation/deepening to increase storage capacity) within the safeguarded route of the Herefordshire and Gloucestershire Canal without the prior written approval of the Local Planning Authority being obtained.

Reason: To ensure that any excavation or other works that represent development do not prejudice the future restoration of the canal in accordance with policy RST9 of the Herefordshire Unitary Development Plan 2007

Informatives:

- 1 - The reason for granting planning permission in respect of the development is that it is considered by the Local Planning Authority that the development gives rise to benefits to the local rural economy and that the environmental impacts can satisfactorily be overcome by way of the imposition of appropriate conditions in compliance with the relevant Development Plan policies.

The documents to which the decision notice relates are: -

The plan attached to the decision notice
Drawing number 1196/09 and species mix detailed within Section 6 of the Davies Light Associates Landscape and Visual Appraisal dated 1/12/06
Surface Water Mitigation and Management Report prepared by JDIH Envireau and received by the Local Planning Authority on 5th November 2007
Ecological Appraisal dated 07/10/07 prepared by Davies Light Associates
FWAG Report dated 17th October 2007

159. DCNE2007/3855/F - ASHDOWN HOUSE, HOMEND CRESCENT, LEDBURY, HEREFORDSHIRE, HR8 1AQ [AGENDA ITEM 13]

Removal of condition 6 of planning permission NE2003/1293/f to allow clear glass to be used for 2 windows.

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

RESOLVED: That planning permission be granted.

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160. DATES OF FORTHCOMING MEETINGS

12th March, 2008; 9th April, 2008; and 7th May, 2008.

The meeting ended at 4.37 p.m.

CHAIRMAN