

**MINUTES of the meeting of Northern Area Planning Sub-Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 21 October 2009 at 2.00 pm**

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

Councillors: LO Barnett, JHR Goodwin, KG Grumbley, B Hunt, RC Hunt, TW Hunt, TM James, Brig P Jones CBE, PM Morgan, RJ Phillips, RV Stockton and J Stone

**48. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors WLS Bowen, ME Cooper, JP French, PJ McCaull, R Mills, A Seldon and JK Swinburne.

**49. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

**50. MINUTES**

The Assistant Solicitor (Corporate) requested that an additional note be added to the resolution contained within minute 46 to confirm that the application was referred to the Head of Planning and Transportation.

Councillor KG Grumbley requested that the following sentence be added to the end of paragraph three of minute 46:

'He also agreed that the planning status of the ancillary buildings including the stable block needed to be investigated.'

Councillor P Jones CBE noted that his apology for absence had been omitted from the minutes.

**RESOLVED**

**That the minutes of the meeting held on 23 September 2009 be approved as a correct record and signed by the Chairman subject to the three amendments highlighted above.**

**51. ITEM FOR INFORMATION - APPEALS**

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

**52. DCNW0009/1881/F - BANK HOUSE, HIGH TREE BANK, LEINTWARDINE, HEREFORDSHIRE, SY7 0LU.**

*Change of use of agricultural land to agricultural contractor's yard, erection of workshop/storage building, new access road and 1 metre high bund.*

The Senior Planning Officer reported the following updates:

The Council's Planning Ecologist had responded with no objections to the application subject to a condition with regards to additional landscape planting.

A further letter had been received from the applicant's agent in response to letters of objection received to the application.

The letter was summarised as stating:

- Protection of view is not a planning issue.
- Building has now been positioned further away from the site boundary.
- No alterations are proposed to the existing public highway access.
- The site has been recently visually improved by removal of derelict buildings and hard standing.
- Issues with regards to light, noise and dust can be addressed through imposition of conditions to any approval notice issued and is also controlled by other legislation.
- The chosen site is the least visible from the surrounding substantial viewpoints and is already screened by substantial hedgerows.

The Senior Planning Officer reported the following comments which were included in the update sheet circulated to Members at the meeting:

The response received from the Council's Planning Ecologist was noted and a condition, (No. 6), was recommended as attached to the report for Committee consideration. This can incorporate the requirements of the Ecologist.

The comments as outlined in the applicant's agent's letter were noted. However they raise no additional issues of concern in respect of the application. Conditions as suggested have been attached to the report for Committee consideration.

Councillor LO Barnett, the local ward member, noted the comments of Leintwardine Parish Council and felt that the recommended conditions addressed their concerns. She felt that it was important for the applicant to be able to operate his business from one site and therefore she supported the application.

## **RESOLVED**

- 1 A01 Time limit for commencement (full permission)**
- 2 B01 Development in accordance with the approved plans**
- 3 C07 Dark roof colouring (agricultural buildings)**
- 4 F01 Restriction on hours of working**
- 5 F06 Restriction on Use**
- 6 G10 Landscaping scheme**
- 7 G11 Landscaping scheme – implementation**
- 8 I02 Scheme of measures for controlling noise**

- 9 None of the land in the control of the applicant other than that as indicated within the red line on the site location plan, submitted in support of the application shall be used for storage or parking of any vehicles, machinery or equipment.

Reason: In order to protect the amenity of occupiers of nearby properties so as to comply with Policy DR13 of the Herefordshire Unitary Development Plan.

- 10 I15 Scheme of noise insulation

- 11 I33 External lighting

**INFORMATIVES:**

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

- 2 N19 Avoidance of doubt - Approved Plans

53. DCNW0009/1663/F - BANK HOUSE, HIGH TREE BANK, LEINTWARDINE, HEREFORDSHIRE, SY7 0LU.

*Variation of condition 2 of planning permission 760298 for continued use as rural workers dwelling.*

The Senior Planning Officer reported the following:

A further letter had been received from the applicant's agent in response to letters of objection received to the application.

The letter stated in reference to this application that agricultural occupancy guidance in Annex A of PPS7 allowed occupancy conditions to be varied to reflect the changing nature of the rural economy.

The Senior Planning Officer advised Members that it was considered necessary to amend the wording of the occupancy condition to provide control over the future use of the site

Councillor LO Barnett, the local ward member, felt that the applicant's business was an asset to the local community. She noted that agriculture was changing and that people needed to diversify and therefore she supported the application.

**RESOLVED**

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

- 1 The occupation of the dwelling shall be limited to a person solely, mainly, or last working in agriculture or forestry employment in the locality, or otherwise by the applicant (or by his widow or resident dependents) in connection with the agricultural contractor business operating from within the land edged red on the attached plan and in accordance with the submissions of the applicant contained in the supporting application dated 21 July 2009.

Reason: The Local Planning Authority wish to restrict occupancy in accordance with policy H8 of the Herefordshire Unitary Development Plan.

**54. DCNW0009/1774/F - THE WHITTERN, LYONSHALL, KINGTON, HEREFORDSHIRE, HR5 3JA.**

*Proposed extensions to three poultry houses and ancillary works.*

The Senior Planning Officer reported the following:

The Council's Planning Ecologist raised no objections subject to a condition with regards to a detailed landscape planting scheme.

Councillor RJ Phillips, the local ward member, advised Members that the application requested an extension to the existing poultry sheds and was a necessary upgrade in order to meet current animal welfare standards. He noted that the proposal would result in an extra 30 HGV movements per year but felt that this was acceptable. He also noted that the concerns regarding running water but felt that these had been addressed through appropriate conditions.

**RESOLVED**

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

- 1 A01 Time limit for commencement (full permission)**
- 2 C09 Details of cladding (agricultural and industrial buildings)**
- 3 All waste to be transported from the site shall be removed off site in covered containers.**

**Reason: In the interest of the amenity of the surrounding area and to comply with Policy DR4 of the Herefordshire Unitary Development Plan.**

- 4 H21 Wheel washing**

**Development shall not begin until wheel cleaning apparatus has been provided in accordance with details to be submitted to and approved in writing by the local planning authority, and which shall be operated and maintained during and after construction of the development hereby approved. Details will also include the method of drainage from the site of the used water from the wheel washing of vehicles visiting/leaving the site.**

**Reason: To ensure that the wheels of vehicles are cleaned before leaving the site in the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.**

- 5 G10 Landscaping scheme**
- 6 G11 Landscaping scheme - implementation**

**INFORMATIVES:**

- 1 N15 Reasons(s) for the Grant of Planning Permission**
- 2 N19 Avoidance of doubt – Approved Plans**

**55. DCNC0009/1782/F - CASTLE FARM, COLLINGTON, BROMYARD, HEREFORDSHIRE, HR7 4NB.**

*Conversion of farm buildings to five houses.*

In accordance with the criteria for public speaking Mr Webb, residing at 1 Underhill Cottage, spoke in objection to the application and Mr Burton, the applicant's agent, spoke in support.

Councillor TW Hunt, the local ward member, welcomed the proposed improvements to the site and felt that the application was sympathetic and well thought out. He noted the concerns raised by the local residents and felt that these could be addressed through a drainage condition. He also noted the objection raised in respect of the access to the site and requested that further discussions take place between the applicant and the planning department in order to resolve the issue.

**RESOLVED**

**That subject to further officer discussions with the applicant, regarding the position of the access, officers named in the Scheme of Delegation to Officers be authorised (in consultation with the Chairman and local ward member) to approve the application, subject to the following conditions, and any further conditions that may be required in relation to the access:**

- 1 A01 Time limit for commencement (full permission) (12 months)**
- 2 B01 Development in accordance with the approved plans**
- 3 C01 Samples of external materials**
- 4 D04 Details of window sections, eaves, verges and barge boards**
- 5 D05 Details of external joinery finishes**
- 6 D09 Details of rooflights**
- 7 D10 Specification of guttering and downpipes**
- 8 F07 Domestic use only of garage**
- 9 F14 Removal of permitted development rights**
- 10 G10 Landscaping scheme**
- 11 G11 Landscaping scheme - implementation**
- 12 H10 Parking - single house**
- 13 H13 Access, turning area and parking**
- 14 H29 Secure covered cycle parking provision**
- 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 and proposals to deal with situations where, during works on site, contamination is 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

17 B01 Development in accordance with the approved plans

18 I18 (Scheme of foul drainage disposal)

#### INFORMATIVES

1 HN01 Mud on highway

2 HN04 Private apparatus within highway

3 HN05 Works within the highway

4 HN10 No drainage to discharge to highway

5 HN22 Works adjoining highway

6 HN28 Highways Design Guide and Specification

7 HN02 Public rights of way affected

8 N19 Avoidance of doubt - Approved Plans

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

56. DCNE0009/1672/F - NETHERGREEN, RIDGEWAY CROSS, CRADLEY, MALVERN, WORCESTERSHIRE, WR13 5JS.

*Proposed erection of 2 timber-framed craft studios to provide workshop and training facilities.*

The Senior Planning Officer reported the following comments made by the Council's Ecologist, these are reproduced in full below.

'I note that the site has potential to support reptiles and there are records of adders within 350 metres of the site. A survey of the site will need to be carried out at an appropriate time of year to determine whether reptiles are present and what mitigation may be required.

Herefordshire Council can refuse permission if the applicant does not provide adequate information on protected species, as it will be unable to assess the impacts on the species and thus meet the requirements of PPS9 or the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended). Herefordshire Council has the power to request information under Article 4 of the Town and Country (Planning Applications) Regulations 1988 (SI1988.1812)(S3) that covers general information for full applications.

The applicant will therefore need to commission an ecological survey to establish the potential impacts on habitats and protected species that may be present. As protected species are a 'material consideration', Herefordshire Council cannot determine this application until all the necessary survey, mitigation, compensation and enhancement information are received.

In addition I have some concerns regarding the proposed tree planting and some of the species identified. I would question the inclusion of Alder and Sweet Chestnut and the species of cherry would need to be clarified. This could be dealt with by a planning condition requiring a detailed planting scheme identifying the species mix, provenance of plants and percentages of each species to be planted to be submitted and approved by the LPA'.

The Senior Planning Officer reported the following comments which were included in the update sheet circulated to Members at the meeting:

The representation raises a further reason for refusal, namely the inadequacy or lack of an ecological survey. The full refusal reason following this comment is outlined.

In respect of the proposed planting scheme, in the event of approval, a detailed planting scheme including species, number, planting position and management scheme would be required by a condition.

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

Councillor RV Stockton, the local ward member, advised members that the existing barns on the site were not in the ownership of the applicant as they were owned by his father. Therefore conversion of these buildings was not an option. He noted the representation received by the Council's ecologist and felt that this was the only valid reason for refusing the application.

The Southern Team Leader advised members that the Ecologist's survey could not take place until May 2010 and therefore prevented the application from being approved immediately. He advised Members that they could support the application in principle and refuse it solely on the grounds of the lack of an ecological survey. The application could then be resubmitted once the ecological survey was received and could then potentially be approved under delegated powers. He felt that it was unreasonable to defer consideration of the application for such a long period of time.

Councillor RV Stockton advised members of the applicant's background and noted that he offered a sustainable ecological business which should be supported by the Council.

In response to a question the Southern Team Leader advised members that by refusing the application solely on the grounds of a lack of an ecological report they would be accepting the principle of the proposed development and use on the site. In response to a further question he stated that case law stated that it was unacceptable to approve an application subject to a condition in respect of the mitigation of an ecological survey's findings.

Members discussed the application thoroughly and were unanimous in their support. They were disappointed that they could not approve the application at this stage but made it clear that it was being refused solely on ecological reasons and that they were in support of the principle and use proposed for the site.

## **RESOLVED**

**Members are minded to accept the principle of development but refuse the application solely on the ground of a lack of an ecological survey. Therefore planning permission to be refused for the following reason:**

- 1. The application has not addressed the potential impact of the proposal on habitats and protected species The proposal is therefore contrary to Policies NC1, NC5, NC6, NC7 and NC8 of the Herefordshire Unitary Development Plan and the guiding principles of PPS9 ( Biodiversity and Geological Conservation**

**57. DCNW0009/1690/F - PAUNCEFORD COURT FARMHOUSE, MUCH COWARNE, BROMYARD, HEREFORDSHIRE, HR7 4JQ.**

*Proposed single storey side extension, alterations and repairs to existing outbuildings to create additional accommodation.*

The Senior Planning Officer reported the following:

The Parish Council raises concern that the extension will bring Pauceford Court 6 metres closer to the adjacent converted buildings and there will be direct overlooking possible between living rooms (or habitable rooms if it is a bedroom that is overlooked)

The applicant requests that the time restrictions on hours of working outlined in Condition 5, page 44, are relaxed to stipulate either an 8.30 or 9.00 am start time in the week rather than the proposed restrictions.

The Senior Planning Officer also made the following comments, reported to members in the update sheet:

The distance between the proposal and the nearest dwelling is 17 metres. An existing first floor window is proposed to be removed as part of the proposal and the extension only has windows at ground floor level.

This issue is commented in the report, paragraph 6.4.

Condition 3 which stipulates a landscaping condition, should be reworded to 'Within one month of the commencement of the development, rather than 'prior to the commencement of the hereby permitted development'.



This is to allow flexibility in view of the applicants' stated intention to make an immediate start subject to planning permission being granted.

Concern is raised over the nuisance and impact upon adjoining residential amenity however a variation to a start time of 9.00 Monday to Friday is considered acceptable.

Councillor PM Morgan, the local ward member, felt that the officer's report addressed all of the concerns raised by the Parish Council and the neighbouring residents and therefore she supported the application.

## **RESOLVED**

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

- 1 A01 - Time limit for commencement (full permission)**
- 2 Prior to the commencement of the hereby permitted development, full written details and samples of the following items and finish shall be submitted to the Local Planning Authority for written approval:**
  - External materials
  - Roof tiles
  - Joinery details
  - Rainwater goods
  - Rooflights

**The proposal shall be carried out in strict accordance with the approved details and thereafter be maintained as such.**

**Reason: To ensure the proposal is of a satisfactory finish, in order to ensure the character and appearance of the building and the wider open countryside location are preserved and maintained, in accordance with Herefordshire Unitary Plan policies DR1 and H13.**

- 3 Within one month of the commencement of the development full written details and appropriate scaled plans of the landscaping and boundary treatments, including planting scheme and species and the removal of any trees or hedges shall be submitted to the Local Planning Authority for written approval.**

**The proposal shall be carried out in strict accordance with the approved details and thereafter be maintained as such.**

**Reason: To ensure the proposal is of a satisfactory finish, in order to ensure the character and appearance of the building and the wider open countryside location are preserved and maintained, in accordance with Herefordshire Unitary Plan policies DR1 and H13.**

- 4 The hereby permitted extension shall not be sold separately or sub-let from the property known as Paunceford Court Farmhouse, Much Cowarne, Herefordshire, HR7 4JQ.**

**Reason: To prevent the introduction of a new residential unit in an unsustainable open countryside location, in accordance with Herefordshire Unitary Development Plan policies S1, DR1 and H7.**

**5 Works relating to the commencement and implementation of the hereby permitted development are restricted to the following times:**

- **Monday – Friday, 09.00 to 17.00 hours**
- **Saturday, 10.00 to 16.00 hours**
- **No work on Sundays or Bank Holidays**

**Reason: To protect the amenity of adjoining residential properties and the use of the Church.**

**6 F14 - Removal of permitted development rights.**

**INFORMATIVES**

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

**2 N19 - Avoidance of doubt - Approved Plans**

**58. DATE OF NEXT MEETING**

Members noted the dates for the next meeting of the Southern Area Planning Sub-Committee.

The Southern Team Leader noted that the next provisional site inspection was scheduled for 3 November 2009. He advised Members that an application had been submitted in respect of Orleton Manor, and that the local ward member had advised the case officer that he would be requesting a site inspection. In the interests of expedience the Team Leader requested that the site be inspected prior to the next meeting of the Northern Area Planning Sub-Committee. Members agreed that the site should be visited on 2 November 2009 at 10.00 am.

The meeting ended at 3.50 pm

**CHAIRMAN**