

MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 1 September 2010 at 10.00 am

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

Councillors: PGH Cutter, GFM Dawe, DW Greenow, KS Guthrie, JW Hope MBE, B Hunt, RC Hunt, G Lucas, RI Matthews, JE Pemberton, AP Taylor, DC Taylor, PJ Watts and JD Woodward

In attendance: Councillors WLS Bowen and RH Smith

30. APOLOGIES FOR ABSENCE

Apologies were received from Councillors H Davies and WJ Walling.

31. NAMED SUBSTITUTES (IF ANY)

There were no substitute members present at the meeting.

32. DECLARATIONS OF INTEREST

7. DMSW/100855/F - Land at or near Windmill Hill, Pencoyd Court & Trevase Farms, also Court Farm at Much Birch, Herefordshire, HR2.

Councillor DW Greenow, Personal, Acquaintance of the applicant.

8. DMS/101334/CD - Hampton Dene Primary School, Church Road, Hereford, Herefordshire, HR1 1RT.

Councillor JE Pemberton, Personal, Council appointed school governor.

33. MINUTES

RESOLVED: That the Minutes of the meeting held on 11 August 2010 be approved as a correct record and signed by the Chairman.

34. CHAIRMAN'S ANNOUNCEMENTS

The Chairman introduced all of the Officers present at the meeting.

35. APPEALS

The Committee noted the report.

36. DMSW/100855/F - LAND AT OR NEAR WINDMILL HILL, PENCOYD COURT & TREVASE FARMS, ALSO COURT FARM AT MUCH BIRCH, HEREFORDSHIRE, HR2

Proposed erection of polytunnels (retrospective).

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

In accordance with the criteria for public speaking, Mr Murphy, the applicant's agent, spoke in support.

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

- That the application was complex and sensitive and sought to ratify and formalize the current usage of the site.
- Work had commenced on the application 3 years ago, it had taken a considerable amount of time due to the complexity of the material considerations; the number of policies to be considered; the requirement for an Environmental Impact Assessment; and the applicants' intent to submit an acceptable application.
- Each of the eight principal planning issues had been met and addressed.
- Buffer zones around neighbouring residents' homes would address some concerns from the local people.
- The application would not result in increased traffic movements.
- The application should be approved as recommended by the Planning Officer.

The Committee noted the visual impact of the polytunnels but also discussed the essential role they played in the soft fruit growing process. The Committee noted the conditions and felt that compliance of the conditions would alleviate the concerns raised in respect of landscaping. They also requested that the Council's enforcement team monitor the site closely to ensure compliance.

Councillor Smith was given the opportunity to close the debate in accordance with the Council's Constitution. He reiterated his opening statements in support of the application.

RESOLVED

It be recorded that the Environmental Statement and associated documents including the Statement of Community Consultation have been taken into account in making this recommendation.

That planning permission be granted subject to the following conditions:

- 1 No more than 20 hectares of Zone 1 shall be covered with polytunnels, or any part or parts thereof excepting the legs at any one time, for which purposes any uncovered hoops in a row shall be measured from the first to the last to be included in this coverage.**

Reason: In order to safeguard and maintain the the visual amenity of the area and to ensure that the development conforms with Policies DR1, LA2, LA5 and LA6 of the Herefordshire Unitary Development Plan.

- 2 No more than 25 hectares of Zone 2 shall be covered with polytunnels, or any part or parts thereof excepting the legs, at any one time, for which purposes any uncovered hoops in a row shall be measured from the first to the last to be included in this coverage.**

Reason: In order to safeguard and maintain the visual amenity of the area and to ensure the development conforms with Policies DR1, LA2, LA5 and LA6 of the Herefordshire Unitary Development Plan 2007.

- 3 No more than 10 hectares of Zone 3 shall be covered with polytunnels, or any part or parts thereof excepting the legs, at any one time, for which**

purposes any uncovered hoops in a row shall be measured from the first to the last to be included in this coverage

Reason: In order to safeguard and maintain the visual amenity of the area and to ensure the development conforms with Policies DR1, LA2, LA5 and LA6 of the Herefordshire Unitary Development Plan 2007

- 4 No polytunnel shall exceed 4 metres in height above existing ground level.**

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

- 5 No polytunnel shall be sited within 30 metres of the boundary of any residential curtilage of any dwellinghouse or within 50 metres of any dwellinghouse that lies outside the confines of the application site, but excluding property in the ownership of the applicants.**

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

- 6 No later than 30 November in any calendar year, the applicant (or his successor in title to the parcel of land in question, as the case may be) shall apply in writing to the Local Planning Authority for its approval of a proposed scheme for the siting and rotation of polytunnels for the following year. The application shall be delivered to the Local Planning Authority. The scheme shall be implemented as approved or amended by the Local Planning Authority, save that where no approval or amendment to the proposed scheme is given in writing by the Local Planning Authority within eight weeks of its delivery, the scheme shall be implemented as proposed.**

Reason: In order to safeguard and maintain the visual amenity of the area and to ensure that the development conforms with Herefordshire Unitary Development Plan Policies DR1, LA2, LA5, LA6 to enable the local planning authority to practically monitor the development.

- 7 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.

- 8 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 the application site within a period of twelve months.**

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.

- 9 None of the polytunnels hereby permitted shall be covered in polythene from 30 November until 31 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 majority of the polytunnels hereby permitted are not covered in polythene outside of the growing periods thus ensuring that the cumulative visual impact is lessened, in accordance with policy LA2 of the Herefordshire Unitary Development Plan 2007.

- 10 The recommendations for habitats, protected species and habitat management set out in the ecologist's submitted report dated 12 September 2009 should be followed unless otherwise agreed in writing with the local planning authority. The approved management scheme shall be implemented in full accordance with the stated timescales and maintained thereafter.

A full habitat creation, enhancement and management scheme based upon the FWAG report dated 12 September 2009 shall be submitted to the local planning authority within 3 months of the date of planning permission. This shall include large scale plans of the sites and shall be implemented as approved and maintained thereafter unless otherwise agreed in writing with the local planning authority.

An appropriately qualified and 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, NC5, 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 'Biodiversity and Geological Conservation' and the NERC Act 2006.

- 11 Notwithstanding the submitted landscaping proposals, a fully detailed comprehensive landscaping plan detailing areas of reinforcement of shelter belt planting, planting of a woodland shelter belt(s) together with the identification of new cross-field hedgerows and a planting timetable and long term management plan shall be submitted within 3 months of the date of planning permission being granted.

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

- 12 The landscaping scheme approved under condition 11 shall be carried out in the first planting season following the date of planning permission being granted. The landscaping shall be carried out in accordance with the approved plan and the long term management plan.

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

- 13 No polytunnels shall be sited within 2 metres of the centre line of any public right of way within or adjacent to the site.**

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

- 14 Within three months of the date of planning permission a detailed scheme for the provision of surface water drainage works (including a maintenance schedule) is to be submitted and approved in writing by the local planning authority. The drainage works shall be completed in accordance with the details and timetable agreed.**

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal as recommended by the Environment Agency and to comply with Policy DR4 of the Herefordshire Unitary Development Plan.

- 15 Within three months of the date of planning permission a scheme to adequately treat the level of suspended soils in surface water is to be submitted and approved in writing by the local planning authority in consultation with the Environment Agency.**

Reason: To prevent the increased risk of soil erosion and control of sedimentation to the Gamber and to comply with Policy DR4 of the Herefordshire Unitary Development Plan.

- 16 Within three months of the date of planning permission a Site Waste Management Plan is to be submitted and approved in writing by the local planning authority. The development shall be carried out in accordance with the provisions of the approved plan.**

Reason: In the interests of pollution prevention and efficient waste minimisation and management so as to comply with Policies S10 and DR4 of the Herefordshire Unitary Development Plan.

INFORMATIVES:

- 1 The reasons for granting planning permission in respect of the development are:-**

It is recognised that the continued use of polytunnels upon the site creates benefits to the local rural economy and the proposal, including the enhanced landscaping requirements is considered to mitigate any harm caused to the character and appearance of the site and surrounding countryside. It is not considered that there are any other environmental reasons to justify refusal of the application. In forming this conclusion the Local Planning Authority have had full regard to the relevant Central Government advice, the policies of the Herefordshire Unitary Development Plan 2007, the guidance contained within Herefordshire Council's 'Polytunnels Supplementary Planning Document' and the extent to which the Environmental Statement addressed the environmental impacts associated with this retrospective proposal.

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

- 3 N11C General.**

- 4 The applicant is advised to engage the services of a suitably qualified landscape consultant to supervise the implementation of the landscaping and its subsequent maintenance.**

[Councillor GW Dawe wished for it to be noted that he abstained from voting on this agenda item]

37. DMS/101334/CD - HAMPTON DENE PRIMARY SCHOOL, CHURCH ROAD, HEREFORD, HEREFORDSHIRE, HR1 1RT

Replace existing pre school nursery mobile accommodation with a new mobile in same location, and provide signage at pedestrian gate entrance.

The Principal Planning Officer gave a presentation on the application.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor AP Taylor, one of the local ward members, advised the Committee that he was in support of the application.

In response to a question the Principal Planning Officer advised that a 5 year temporary permission was being sought in order to address some of the concerns raised by Sport England.

RESOLVED

- a) That the Committee does not propose to refuse this application; and**
- b) a consultation is undertaken with the Secretary of State, as required by the Town and Country Planning (Consultation) (England) Direction 2009; and**
- c) subject to the Secretary of State notifying the Council that it is not intended to issue a direction in respect of the application the officers named in the Scheme of Delegation to Officers be authorised to grant planning permission subject to the conditions as set out below, and any other conditions considered necessary.**

1 F18 Temporary permission.

2 B06 Implementation of one permission only.

3 B01 Development in accordance with the approved plans.

4 H30 Travel Plans.

INFORMATIVES:

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

38. DMCE/100586/F- LAND AT WHITETHORN FARM, CAREY, HOARWITHY, HEREFORDSHIRE, HR2 6NG

Retention of two existing and siting of one further mobile home to be occupied by seasonal agricultural workers.

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

provided; the schedule of committee updates is appended to these minutes. An additional email of objection had been received subsequent to the preparation of the updates sheet, the email was summarised for Members.

In accordance with the criteria for public speaking, Mr Soble, the applicant, had registered to speak in support of his application but was not present at the meeting.

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

- That the site was home to a large agricultural complex which fell within the AONB.
- The impact of the application on the site and the surroundings warranted a Member site visit.

Councillor Dawe was given the opportunity to close the debate in accordance with the Council's Constitution. He reiterated his opening statements in support of a site visit to the application site.

RESOLVED

That planning permission be granted subject to the following conditions:

- 1 F21 Temporary permission – ten years (mobile home/caravan). The caravans should also be removed from the site in the event that the existing business ceases.**
- 2 The occupation of the caravans shall be limited to persons employed in agriculture at Whitethorn Farm, Carey, HR2 6NG.**

Reason: The accommodation and associated development proposed under this application is only considered acceptable on the basis of the functional need associated with the growing of fruit and vegetables on the land surrounding the application site and to comply with Policy H8 of the Herefordshire Unitary Development Plan.

- 3 Within two months of the date of this permission, the colour including the BS number for all exterior surfaces of the mobile homes hereby permitted shall be submitted for approval in writing of the local planning authority. The existing mobile homes shall be coloured in accordance with the approved details within four months of the date of this permission and the additional mobile home coloured in accordance with the approved details prior to being occupied.**

Reason: To protect the visual amenities of the area and to ensure the development conforms with Policies LA1 and DR1 of the Herefordshire Unitary Development Plan.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any Order revoking or re-enacting that Order with or without modification, no other caravans shall at any time be placed on the land identified in blue outlined on the plan titled 'Farm Regime' and dated May 2010.**

Reason: To prevent the further proliferation of mobile homes in order to safeguard the visual amenity of the area and to ensure the development

conforms with Policies LA1 and DR1 of the Herefordshire Unitary Development Plan.

5 F31 Static holiday caravan occupancy (November to March inclusive).

Informatives:

1 N19 Avoidance of doubt - Approved Plans.

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

39. DMN/101785/F- OUTBUILDING AT HARBOUR HOUSE, KINGSLAND, LEOMINSTER, HEREFORDSHIRE, HR6 9SE

Conversion of outbuilding to residential dwelling.

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

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

- The officer's presentation addressed the application thoroughly
- The site was visible from the highway and was of importance to the village of Kingsland.
- The cider mill would be retained as a feature for the garden area.
- The dwelling would be occupied by local residents.
- The new dwelling would share an entrance from the highway with the existing dwelling.

Members discussed the application and felt that it would improve the existing building greatly. They thoroughly supported the application.

Councillor Bowen was given the opportunity to close the debate in accordance with the Council's Constitution. He reiterated his support for the application and thanked the Committee for their comments.

RESOLVED

That planning permission be granted subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of one year from the date of this permission.**

Reason: To comply with the provisions of Section 91(1) (b) of the Town and Country Planning Act 1990 (as amended) and to reflect the decision of the Local Planning Authority on 4 March 2009 to suspend (effective from 1 April 2009) the requirements of the Authority's 'Planning Obligations' Supplementary Planning Document (February 2008) in relation to residential developments of five dwellings or less.

2 B01 Development in accordance with the approved plans.

3 C01 Samples of external materials.

4 C08 Amended Plans

- 5 D04 Details of window sections, eaves, verges and barge boards.
- 6 D05 Details of external joinery finishes.
- 7 D12 Repairs in situ.
- 8 Prior to the commencement of the development hereby approved a detailed schedule of the repairs to the timber frame shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the integrity of the building as one in a conservation area and of local interest is preserved and to ensure compliance with Policies HBA12 and HBA13 of the Herefordshire Unitary Development Plan.

- 9 Before the first occupation of the dwelling, the cider press shall be re-located to the position as shown on the approved plan and shall be thereafter retained in perpetuity unless first agreed in writing with the local planning authority.

Reason: To ensure that the integrity of the building as one in a conservation area and of local interest is preserved and to ensure compliance with Policies HBA12 and HBA13 of the Herefordshire Unitary Development Plan.

- 10 The truss and dwarf wall shown to be retained on the plans hereby approved shall be retained in perpetuity and shall not be removed or altered unless first agreed in writing with the local planning authority.

Reason: To ensure that the integrity of the building as one in a conservation area and of local interest is preserved and to ensure compliance with Policies HBA12 and HBA13 of the Herefordshire Unitary Development Plan.

- 11 F14 Removal of permitted development rights.

- 12 F16 No new windows in specified elevation.

- 13 H13 Access, turning area and parking.

- 14 K4 Nature Conservation – Implementation.

- 15 L01 Foul/surface water drainage.

- 16 L02 No surface water to connect to public system.

- 17 L03 No drainage run-off to public system.

INFORMATIVE:

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

40. DATE OF NEXT MEETING

Members noted that the meeting of the Planning Committee scheduled for 22 September 2010 had been cancelled.

The next meeting would therefore take place on 13 October 2010 with a training session scheduled at the conclusion of the meeting.

APPENDIX 1 - SCHEDULE OF COMMITTEE UPDATES

The meeting ended at 11.20 am

CHAIRMAN

PLANNING COMMITTEE

Date: 1 September 2010

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.

DMSW/100855/F - Proposed erection of polytunnels (retrospective) at Land at or near Windmill Hill, Pencoyd Court & Trevase Farms, also Court Farm at Much Birch, Herefordshire, HR2

For: A J & C I Snell per Mr Andrew Murphy, The Courtyard, 9 Timothy's Bridge Road, Stratford-Upon-Avon, Warwickshire, CV37 9NP

OFFICER COMMENTS

Paragraph 3.2 of the report should be deleted. This refers to another site and not the application site and was included inadvertently.

An additional condition should be attached regarding site waste management, which is consistent with advice received from the Environment Agency currently and for other approved sites for polytunnels. The proposed condition is set out below.

CHANGE TO RECOMMENDATION

Within three months of the date of planning permission development shall a Site Waste Management Plan is to be submitted and approved in writing by the local planning authority. The development shall be carried out in accordance with the provisions of the approved Plan.

Reason: In the interests of pollution prevention and efficient waste minimisation and management so as to comply with Policies S10 and DR4 of Herefordshire Unitary Development Plan.

DMCE/100586/F- Retention of two existing and siting of one further mobile home to be occupied by seasonal agricultural workers at land at Whitethorn Farm, Carey, Hoarwithy, Herefordshire, HR2 6NG

For: Mr Soble per Mr Paul Smith, 12 Castle Street, Hereford, Herefordshire, HR1 2NL

ADDITIONAL REPRESENTATIONS

One further e-mail received from Mrs Drury. The main points raised are:

- The activities at the farm have had a detrimental change to the character and value of the AONB and cause noise and disturbance to neighbours.
- The applicant has a history of non-compliance with planning regulations
- UDP Policy H7 relating to new housing in the countryside is also relevant as it is linked with policy H8
- The application is contrary to the UDP as it has not been demonstrated there is a need for three mobile homes and the application should be deferred until this information is provided
- A condition should be imposed requiring the caravans be removed if the agricultural business ceases.

OFFICER COMMENTS

- The report does not identify landscape harm but does acknowledge an impact on the AONB
- Some of the additional comments made relate to the farm as a whole rather than specifically to the development applied for.
- The criteria in policy H7 relates more to permanent residential accommodation
- Sufficient information has been provided and gathered to demonstrate a need for three mobile homes.
- Condition 1 can be amended as suggested.

CHANGE TO RECOMMENDATION

Amend condition 1 to include a requirement the caravans are removed in the event the existing business ceases

DMN/101785/F - Conversion of outbuilding to residential dwelling at Outbuilding at Harbour House, Kingsland, Leominster, Herefordshire, HR6 9SE

For: Mr & Mrs G Schenke, Outbuilding at Harbour House, Kingsland, Leominster, Herefordshire, HR6 9SE

OFFICER COMMENTS

An additional condition is required to be imposed following the submission of amended plans. The amendments relate to the annotation of the plans and do not materially alter the nature of the scheme as a whole.

CHANGE TO RECOMMENDATION

Addition of condition C08 (amended plans)