

MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 6 August 2014 at 10.00 am

Present: Councillor PGH Cutter (Chairman)

Councillors: AJM Blackshaw, AN Bridges, EMK Chave, BA Durkin, PJ Edwards, DW Greenow, KS Guthrie, J Hardwick, TM James, JG Lester, RI Matthews, RL Mayo, FM Norman, J Norris, AJW Powers, J Stone, TL Widdows and DB Wilcox

In attendance: Councillor RJ Phillips

32. APOLOGIES FOR ABSENCE

Apologies were received from Councillors PA Andrews, JW Hope MBE, MAF Hubbard and GR Swinford,

33. NAMED SUBSTITUTES

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillor TM James attended the meeting as a substitute Member for Councillor PA Andrews, Councillor AJW Powers substituted for Councillor Hubbard, and Councillor J Stone substituted for Councillor JW Hope.

34. DECLARATIONS OF INTEREST

Agenda item 7 Land South of Penrhos Farm, Lyonshall, Kington

Councillor PGH Cutter declared a non-pecuniary interest as director of a company which provided solar panels. He confirmed that he had no association with the application.

Agenda 9: P141314/0 Land at Ryelands View, Kinsham, Presteigne, LDH 2HP

Councillor J Stone declared a non-pecuniary interest given his role as Vice Chairman of Council.

35. MINUTES

RESOLVED: That the Minutes of the meeting held on 16 July 2014 be approved as a correct record and signed by the Chairman subject to amending minute no 23 to state that Mr K Bishop Development Manager, declared a non-pecuniary interest, because his wife was *Family Ministry Manager at St Paul's Church Tupsley*.

36. CHAIRMAN'S ANNOUNCEMENTS

There were none.

37. APPEALS

The Planning Committee noted the report.

38. P133401/F LAND SOUTH OF PENRHOS FARM, LYONSHALL, KINGTON, HR5 3LH

(Erection of 4 no. Broiler buildings, agricultural storage building, 2 no. Control rooms, 10 no. Feed bins, hardstanding and access improvements and drainage attenuation pond.)

The Principal Planning Officer gave a presentation on the application. This included the design and layout of the poultry units together with associated infrastructure, including the storage building which would incorporate the biomass boiler noting its position and size. Surrounding residential properties were identified including listed buildings. Updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes.

The Principal Planning Officer highlighted comments from the Environment Agency included in the update that the odour assessment provided in the planning application (including the Environmental Statement) went beyond minimum guidance. He also drew attention to noise issues as reported in the response from the EA and the recommendation as set out in the update to include an additional condition in respect of the slab level. He commented that the Environment Agency had already issued a site permit, which covered issues such as odour, noise, dust and residential amenity, and that the permit was administered and monitored by the Agency.

It was noted that following a Judicial Review a decision to grant planning permission for this development at Penrhos Farm, taken under delegated powers, had been quashed (by Consent Order) in the High Court. The matter had therefore been brought before the Committee for determination.

In accordance with the criteria for public speaking, Mr C Smith, of Lyonshall Parish Council spoke in support of the Scheme. Mrs H Hamilton, an agent speaking on behalf of an objector, spoke in objection. Mr R Williams, the applicant, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor RJ Phillips, the local ward member, spoke on the application.

He commented on a number of issues including:

- The topography of the site and the impact on neighbouring properties were important considerations.
- It was difficult to determine such applications. He noted that 79 letters had been received in objection to the application and 78 had been received in support.
- A number of factors had to be balanced: the contribution the development would make to the local economy; whilst people might not be comfortable with the method of farming it did provide an affordable supply of meat; and the impact on the amenity value of the area.
- The site was in general discrete. Penrhos Court, a listed building, was some distance away. The site would, however, be in view of Penrhos House and he had sympathy with the objection of the resident. He suggested that, if the Committee was minded to approve the application, particular care was taken to ensure that proposed condition 11 set out in the recommendation in the agenda papers, relating to screening and landscaping, provided for enhanced landscaping to the north and north west of the site.
- He also requested that the proposed condition 6, requiring a Manure and Site Management Plan, should provide that no manure should be spread on the field closest to Penrhos House.

- If the Committee was minded to refuse the application it would need to identify reasons. All the issues raised in objection appeared to have been addressed.

The debate opened and the following principal points were made:

- The farming industry was facing difficulties and production of chicken meat was one of the few growth areas. The Parish Council had highlighted the economic benefits of the development and supported the application.
- Modern poultry units were of much improved design with better emission controls and the adverse impact of odour would be limited to the clean out and disposal periods which were of about two days duration.
- The site was already screened to a degree and the development would not have an adverse impact on neighbouring properties.
- The positive contribution of the development outweighed any negative impacts. The application represented sustainable farming.
- Regret was expressed about intensive farming methods, although it was acknowledged that these were employed in response to the market. Concern was expressed about the cumulative impact of such intensive poultry unit developments in the County and the potentially detrimental effect on tourism, a key component of the County's economy. Clarification was sought on the Council's planning policy on such developments, noting that with an increasing number of neighbourhood plans likely to come forward an overarching policy would be important.
- The Principal Planning Officer commented that policy E16 in the Unitary Development Plan related to intensive livestock units. The Development Manager confirmed that this was a saved policy to which some weight could be attached.
- Concern was expressed about the impact on the residential properties within 400m of the site and clarification on policy E16 was requested. The Principal Planning Officer commented that if a proposed development was over 400m from a residential property the applicant could subject to certain criteria give prior notification and did not have to submit an application for planning permission for certain agricultural buildings. He referred to Policy E16 which stated: *"Proposals for residential or other protected buildings within 400m of established intensive livestock units will be subject to special consideration. Such proposals, which would as a consequence be subject to significant adverse environmental impact will not be permitted."* The policy had the effect that if an intensive unit were proposed within 400m of a dwelling this too should be subject to special consideration. The Development Manager noted the importance of considering whether the development had a significant adverse environmental impact. That consideration further needed to be weighed against the presumption in favour of sustainable development in the National Planning Policy Framework.
- Concern was expressed about the scale of the roofscape.
- The land did rise and it was questioned where the feed hoppers would be located. The Principal Planning Officer replied that there would be 10 hoppers located at the bottom end of the site and identified their position on the plans and displayed the photographs of the site and the surroundings.. A Member expressed concern about this location.
- The access to the site appeared to be directly opposite Penrhos House. The Principal Planning Officer confirmed that the access road entrance was opposite the entrance driveway to Penrhos House. However, the entrance was some distance from the dwelling itself as the plans showed.
- It was noted that in the update the Environment Agency had suggested that delivery lorries should be fitted with silencers. It was suggested that heavy vehicles leaving

the site would generate noise and it was questioned how this could be policed. The Principal Planning Officer commented that the Environment Agency's Environmental Permit included some noise management provisions. Noise as a result of construction on site could be addressed if considered necessary by the attachment of a suitably worded condition to any approval notice. It was also noted that the site was alongside the A44 and so certain restrictions were not considered reasonable or necessary.

- An observation was made that, whilst Lyonshall Parish Council supported the application, Kington Town Council had objected to it. It was stated that the application site was on the edge of Lyonshall Parish and had a greater impact on Kington and its residents. The town relied on tourism and the site would, for example, be visible from the Offa's Dyke path.
- Concern was expressed about the potential effect on water courses and the absence in the County of a phosphate management plan.
- It was noted that the Environment Agency had issued a permit for the site.
- There were no planning policy grounds on which to recommend refusal. There were no significant adverse impacts and there were material considerations in support of the application.
- A number of comments were made about conditions to be attached to a grant of planning permission including a proposal that there should be a condition to regulate working hours during construction; and that the conditions suggested by the local ward member relating to screening should be supported.
- It was questioned whether a condition on hours of working on site should be imposed. The Principal Planning Officer commented that given the nature of the business, location of surrounding dwellings, and animal welfare and husbandry issues an hours of working condition on balance was not considered necessary.
- It was questioned whether the proposed colour of the roof, slate blue, was appropriate or whether another colour such as dark green would make the site less visible. The Principal Planning Officer commented that the Landscape Officer had requested slate blue. The applicant had requested dark green. It was noted that there was scope to address this in the relevant condition as set out in the recommendation.
- In addressing the Committee the applicant had referred to the use of solar panels on the building. The Development Manager clarified that no reference had been made to these in the application and the provision of panels was therefore not a relevant matter for the Committee. If the application were to be approved and the development completed solar panels could be installed as permitted development. A condition could be attached to remove this right, to ensure that the approved colour of the roof was not affected by the installation of panels.
- A Member commented that whilst the site was described in the report as relatively flat, in his opinion on the site visit it had appeared relatively sloping. Clarification was sought on the proposed additional condition relating to slab levels. The Principal Planning Officer replied that the condition would require a datum point on which to set the levels for the development and ensure that the development was sited at an appropriate level within the landscape.

The local ward member was given the opportunity to close the debate. He requested that consideration be given to attaching conditions on landscaping and manure spreading, as he had mentioned earlier, together with conditions on working hours during construction and slab level.

It was noted that the recommendation printed in the agenda papers authorised officers to grant planning permission subject to the conditions set out in the report and any other further conditions considered necessary. There was therefore authority to incorporate the additional conditions that had been highlighted during the debate, as summarised by the local ward member, and also consider the colour of external materials and the removal of permitted development rights in relation to solar panels

RESOLVED: That for the reasons set out in the report and expressed during the debate officers named in the Scheme of Delegation to Officers be authorised to grant full planning permission, subject to the conditions below and any other further conditions considered necessary, in particular relating to landscaping and manure spreading, hours of work during construction, slab levels, the colour of external materials, and removal of permitted development rights for solar panels.

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

- 2 The development hereby approved shall be carried out strictly in accordance with the approved plans (Site plan – drawing number IP/RW/02, proposed broiler units elevations plan – drawing number IP/RW/03, proposed broiler units elevations plan – site sections– drawing number IP/RW/04, general storage and heating boiler building elevations and floor plan – drawing number IP/RW/04) and the schedule of materials indicated thereon and information submitted in support of the application.

Reason: To ensure adherence to the approved plans and to protect the general character and amenities of the area in accordance with the requirements of Policy DR1 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

- 3 Notwithstanding the approved plans all the external colouring of the buildings hereby approved shall be to colour code ‘slate blue’ BS18B29 or other dark colour approved in writing with the Local Planning Authority prior to any development on site.

Reason: With consideration to the impact on the surrounding landscape and to comply with Policies DR1 and LA2 of the Herefordshire Unitary Development Plan.

- 4 The development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to and approved in writing by the local planning authority and these areas shall thereafter be retained and kept available for those uses at all times.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy T8 and T11 of Herefordshire Unitary Development Plan and the National Planning Policy Framework.

- 5** Prior to the commencement of the development hereby permitted, full details of all external lighting to be installed upon the site (including upon the external elevations of the buildings) shall be submitted to and be approved in writing by the local planning authority. No external lighting shall be installed upon the site (including upon the external elevations of the buildings) without the prior written consent of the local planning authority. The approved external lighting shall be installed in accordance with the approved details and thereafter maintained in accordance with those details.

Reason: To safeguard the character and amenities of the area and to comply with Policy DR14 of Herefordshire Unitary Development Plan.

- 6** No development shall take place until a Manure and Site Management Plan (which will also refer to storage on site in relationship to the general storage and heating building), has been submitted to 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 and the National Planning Policy Framework.

- 7** The recommendations set out in section 7.4 the ecologist's report from Wold Ecology dated September 2013 must be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a habitat protection and enhancement scheme must be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved. An appropriately qualified and experienced ecological clerk of works must be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6, NC8 and NC9 of Herefordshire Unitary Development Plan, in relation to Nature Conservation and Biodiversity and to meet the requirements of the National Planning Policy Framework and the NERC Act 2006.

- 8** No development shall commence until the Developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and this has been submitted to and approved in writing by the local planning authority. The work shall be carried out in accordance with the approved scheme.

Reason: To ensure the effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment so as to comply with Policy DR4 of Herefordshire Unitary Development Plan and the National Planning Policy Framework.

- 9** The development hereby approved shall be for the housing of chickens, (Broilers), only.

Reason: In consideration of the location for the proposed development and its proximity to residential use and to comply with Policies DR2 and DR4 of the Herefordshire Unitary Development Plan.

- 10 All manure moved off site will be so in covered and sealed trailers.**

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

- 11 Notwithstanding the approved plans no development shall take place until a scheme of tree planting and hedge screening has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include details of the species, sizes and positions or density of all trees and hedging to be planted and the proposed time of planting. All tree and hedge planting shall be carried out in accordance with those details. Detail will also include a landscape management plan, which will refer to long term design objectives, management responsibilities and maintenance schedules for all landscaped areas.**

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

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

- 12 Prior to the first use of the application site hereby approved the existing vehicular access onto the adjoining highway shall be permanently closed. Details of the means of closure and reinstatement of the area shall be submitted to and approved in writing by the local planning authority prior to the commencement of work on the development hereby approved.**

Reason: To ensure the safe and free flow of traffic using the adjoining County highway and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan and the National Planning Policy Framework.

- 13 No timber will be stored outside of the buildings on site. No raw timber shall be brought on site for use in the biomass boiler.**

Reason: With consideration to landscape and visual impact and public highway and residential issues and to comply with Policies DR2 and LA2 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

- 14 C87 - G01 Earthworks**

- 15 C90 - G04 Protection of trees/hedgerows that are to be retained**

INFORMATIVES

- 1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments/additional information to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 2 HN05 Works within the highway
- 3 N11A Wildlife and Countryside Act 1981 (as amended) - Birds
- 4 The applicant is reminded that this development will need an Environmental permit issued by the Environment Agency.

(The meeting adjourned between 11.10 am and 11.15 am.)

39. P141240/O LAND AT THE TRAVELLERS REST, STRETTON SUGWAS, HEREFORDSHIRE, HR4 7AL

(Proposed erection of 5 terraced houses and formation of parking.)

The Principal Planning Officer gave a presentation on the application. She added that following discussion with the local ward member and the applicant's agent it was proposed to add conditions relating to the construction of a pedestrian railing at the end of the path by the roundabout where the A4103 joined the A480.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor RI Mathews, the local ward member, spoke indicating support of the application.

He commented that the application site was identified for residential development in the draft Neighbourhood Plan. He requested that the Committee consider attaching the following conditions: a requirement that there should be two additional parking spaces, to provide two parking places per dwelling; a requirement that materials used in constructing the dwellings should be consistent with those used in the existing dwellings to preserve the amenity of the area; and that a pedestrian railing should be installed at the end of the path by the roundabout where the A4103 joined the A480 to help to protect the safety pupils travelling to school.

There was consensus in support of the development with the proposed additional conditions, which it was proposed should be finalised in consultation with the local ward member.

RESOLVED: That officers named in the Scheme of Delegation to officers be authorised to grant planning permission subject to the following conditions and any further conditions considered necessary after consultation with the Chairman and local ward member, in particular conditions on additional parking spaces, materials used in constructing the dwellings and the provision of a pedestrian railing:

1. A02 Time limit for submission of reserved matters (outline permission)

2. **A03 Time limit for commencement (outline permission)**
3. **A04 Approval of reserved matters**
4. **A05 Plans and particulars of reserved matters**
5. **B01 Development in accordance with the approved plans**
6. **C01 Samples of external materials**
7. **G11 Landscaping scheme - implementation**
8. **H13 Access, turning area and parking**
9. **I16 Restriction of hours during construction**
10. **H27 Parking for site operatives**
11. **Prior to the commencement of development details of the low level lighting to the pedestrian footway shall be submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details prior to the occupation of the proposed dwellings.**

Reason: To safeguard local amenities and in the interests of public safety having regard to Policies DR1 and DR2 of the Herefordshire Unitary Development Plan.

12. **E01 Site investigation – archaeology**

INFORMATIVES

1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
2. **HN10 No drainage to discharge to highway**
3. **HN05 Works within the highway**

40. P141314/O LAND AT RYELANDS VIEW, KINSHAM, PRESTEIGNE, LDH 2HP

(Proposed two bedroom bungalow.)

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

The following principal points were made in debate:

- Several Members considered that the application was for an “infill” building, which would be an improvement on the current structure it would replace, had no adverse impact and represented sustainable development which meant that there should be a presumption in favour of granting permission in accordance with the National Planning Policy Framework (NPPF). The development appeared to have a limited negative effect. It was questioned why officers had recommended refusal when two subsequent applications on the agenda in Garway, which, on the face of it appeared to be similar “infills”, were recommended for approval. Kinsham was slightly closer to amenities than Garway. Under the draft Core Strategy there would have been a different recommendation.
- The alternative view expressed was that, as set out in the report, the development was in open countryside and contrary to planning policy.

The Development Manager commented that the relevant policies the Committee should consider were the saved policies in the Unitary Development Plan (UDP). Policy H6 – housing in smaller settlements identified Garway as a settlement where infill development could be considered. Kinsham was not identified as such a settlement but as a group of dwellings in the open countryside to which a different policy applied. If the draft Core Strategy were to be approved it was possible that infill development in Kinsham might be considered differently. However, at the moment no weight could be attached to the draft core strategy. Officers therefore had to give weight to the saved policies in the UDP and to the NPPF and had accordingly recommended refusal of the application.

The Legal Officer also stated that no weight could be given to the draft Core Strategy at this stage. Material considerations included whether the development was sustainable in accordance with the NPPF. The planning officers had concluded that on balance the development was not sustainable and had not therefore engaged the paragraph 14 balancing exercise.

RESOLVED: That officers named in the Scheme of Delegation to officers be authorised to grant planning permission subject to conditions considered necessary on the grounds that the development was sustainable in accordance with the National Planning Policy Framework.

INFORMATIVE

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

41. P141230/F COUNTIES VIEW, MUCH BIRCH, HEREFORD, HR2 8HL

(Proposed erection of a detached dwelling.)

The Senior Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mr N Holman and Mr W Padden, residents, spoke in objection.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor J Norris, the local ward member, spoke on the application.

He noted that the Parish Council's reasons for objection to the Scheme had been addressed in discussion with the applicant. He highlighted the following points raised by the owner of a neighbouring property: the Transportation Manager had stated that a whole hedgerow needed to be removed to provide the required visibility splay, the neighbour stated that this was in his ownership and he would not agree to its removal; the calculation of the impact the development would have on the neighbour's level of daylight was questioned; and the development would adversely affect a neighbour's soakaway requiring it to be relocated.

The Senior Planning Officer commented that he had no knowledge of debate over the ownership of the hedge, however, relevant ownership certificates had been submitted on application. The planning consideration was that a visibility splay could be achieved. The location of the soakaway was not a planning consideration but a matter to be dealt with by building regulations.

It was proposed that the details should be finalised in discussion with the Chairman and local ward member.

RESOLVED: That subject to the completion of a Section 106 Town & Country Planning Act 1990 agreement securing the removal of planning permission 130847/FH officers named in the Scheme of Delegation to Officers are authorised, after consultation with the Chairman and local ward member, to grant planning permission, subject to the conditions below and any other further conditions considered necessary

1. **A01 Time limit for commencement (full permission)**
2. **B02 Development in accordance with approved plans and materials**
3. **C01 Samples of external materials**
4. **F14 Removal of permitted development rights**
5. **G10 Landscaping scheme**
6. **G11 Landscaping scheme - implementation**
7. **I16 Restriction of hours during construction**
8. **H03 Visibility splays**

INFORMATIVE

1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**

42. P141087/F LAND AT GARDD Y FFIN, GARWAY, HEREFORDSHIRE, HR2 8RE

(Proposed construction of a detached 4 bed dwelling and garage block containing artist studio.)

The Senior Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mrs A Wildey the applicant spoke in support of the Scheme.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor J Norris, the local ward member, spoke and indicated his support of the application.

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

1. **A01 Time limit for commencement (full permission)**
2. **B02 Development in accordance with approved plans and materials**
3. **F14 Removal of permitted development rights**
4. **An appropriately qualified and experienced ecological clerk of works shall be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work outlined within the 'Protected Species Working Method Statement in respect of great crested newts, reptiles and nesting birds' and 'Protected Species Working Method Statement in respect of bats' both undertaken by Countryside Consultants dated 15/07/14.**

Reasons: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of the Herefordshire Unitary Development Plan

To comply with Policies NC8 and NC9 of Herefordshire's Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006

5. **I16 Restriction of hours during construction**
6. **G11 Landscaping scheme - implementation**
7. **All demolition works shown on approved plan 678-2 shall be undertaken prior to the first occupation of the hereby approved dwelling.**

Reason: To protect the visual amenity of the locality in accordance with Unitary Development Plan Policy DR1 and the National Planning Policy Framework.

INFORMATIVES:

1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning**

policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2. **HN20 Common land**

43. **P141489/F LAND ADJACENT TO CAE DUFF, GARWAY COMMON, HEREFORD, HR2 8RF**

(Proposed house with garage/workshop.)

The Senior Planning Officer gave a presentation on the application.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor J Norris the local ward member, spoke and indicated his support for the application.

A question was asked about consistency in assessing the sustainability of developments. The Development Manager commented that the development in Garway was development within a settlement, and was consistent with the Unitary Development Plan (UDP). There were currently a number of locations defined as hamlets rather than settlements where development was accordingly not consistent with the UDP. It was proposed in the draft Core Strategy that a number of hamlets would be reclassified as settlements where development could be considered.

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

1. **A01 Time limit for commencement (full permission) (one year)**
2. **B02 Development in accordance with approved plans and materials**
3. **C01 Samples of external materials**
4. **F14 Removal of permitted development rights**
5. **The measures for species mitigation and habitat enhancement shall be carried out in accordance with the recommendations set out in Section 6.3 of the ecologist's report from Countryside Consultants dated April 2014. An appropriately qualified and experienced ecological clerk of works shall be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.**

Reasons:

To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of the Herefordshire Unitary Development Plan
To comply with Policies NC8 and NC9 of Herefordshire's Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of the NPPF and the NERC Act 2006

6. **G10 Landscaping scheme**
7. **G11 Landscaping scheme - implementation**
8. **I16 Restriction of hours during construction**
9. **H06 Vehicular access construction**
10. **H11 Parking - estate development (more than one house)**

INFORMATIVES:

1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
2. **HN20 Common land**

44. P140397/F HOPE FAMILY CENTRE, TOP GARAGE, HEREFORD ROAD, BROMYARD, HR7 4QU

(Variation of Condition 15 on NC09/1820/O to permit A1 use.)

The Principal Planning Officer gave a presentation on the application identifying that the proposal related to one unit being used as a salon for hairdressing (A1 use) and two workshops (B1).

In accordance with the criteria for public speaking, Miss R Collie, the Applicant's agent spoke in support of the application.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor JG Lester one of the local ward members, spoke on the application.

He complimented the Hope Family Centre on its work and commented that it had always been intended that the units in question would be developed as starter units. The application would benefit local people and provide income to support the Centre. He did not consider the proposal would adversely affect the town centre.

It was requested that an Informative be added to ensure there was effective management and control of the traffic using the centre.

The Development Manager noted the view that the development would not affect the viability of the town centre (A1) use. He emphasised that it was proposed that the use of this unit was restricted to the provision of a hairdressing salon. Without that restriction there was a greater potential for an impact on the town centre.

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

1. **The premises shall be used as a hairdressing salon and for no other purpose (including any other purpose in Class A1 of the Schedule and B1 (two units) to the Town and Country Planning (Use Classes)**

Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: The local planning authority wish to control the specific use of the land /premises, in the interest of local amenity and to comply with Policies TCR1, TCR2 and DR2 of Herefordshire Unitary Development Plan and the provisions of the National Planning Policy Framework.

INFORMATIVES:

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**
- 2 The Applicant's attention is drawn to the need to ensure effective management of the car parking area in the interest of highway safety and residential amenity.**

45. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

Appendix 1 - Schedule of Committee Updates

The meeting ended at 12.40 pm

CHAIRMAN

PLANNING COMMITTEE

Date: 6 August 2014

Schedule of Committee Updates/Additional Representations

Note: The following schedule represents a summary of the additional representations received following the publication of the agenda and received up to midday on the day before the Committee meeting where they raise new and relevant material planning considerations.

SCHEDULE OF COMMITTEE UPDATES

P133401/F - ERECTION OF 4 NO. BROILER BUILDINGS, AGRICULTURAL STORAGE BUILDING, 2 NO. CONTROL ROOMS, 10 NO. FEED BINS, HARDSTANDING AND ACCESS IMPROVEMENTS AND DRAINAGE ATTENUATION POND AT LAND SOUTH OF PENRHOS FARM, LYONSHALL, KINGTON, HR5 3LH

For: Mr Williams per Mr Ian Pick, Llewellyn House, Middle Street, Kilham, Driffield, YO25 4RL

ADDITIONAL REPRESENTATIONS

The Environmental Health Manager has responded in relationship to independent reports received on behalf of an objector on noise and odour issues commenting:

'I have considered the The Airshed documents and would comment that although they identify possible weaknesses in the assessments provided by the applicant they do not identify mistakes. The assessments provide by the applicant have also been considered by the EA who are the enforcing authority for the regulation of polluting emissions from the proposed poultry houses and they appear to be satisfied. The poultry unit will require a permit from the Agency to operate which will impose conditions and which will negate the need for planning conditions that duplicate these requirements.'

The Environment Agency has responded in respect of the information received from Air Shed indicating as part of our response to the planning application we requested an odour assessment be submitted to address those nearby sensitive receptors 'within 400m' of the proposed development.

To inform your decision making, and help ensure a robust EIA, the applicant provided information beyond the 98th percentile odour modelling (minimum required under the H4 permitting guidance). The submitted odour report looked at the potential impact for the crop cycle odour at 99.5 and 99.8th percentile, in line with our advice given the proximity to nearby dwellings.

The conclusions of the odour report show that the crop cycle does not appear to present a problem and is unlikely to cause annoyance. The planning application does provide some control measures to help reduce the likelihood of annoyance.

The Environmental Statement confirms that the proposed poultry unit will 'not produce any unacceptable Environmental Impacts'.

The Environmental Permit (EP) will control the operation of the site (installation area) in relation to day to day general management, including relevant land, air and water impacts; maintenance and pollution incidents.

The EP for Penrhos Farm was issued on the 5 June 2014, reference VP3236NH.

This includes a permit condition in section '3.3 Odour' which states that "3.3.1 Emissions from the activities shall be free from odour at levels likely to cause pollution outside the site, as perceived by an authorised officer of the Environment Agency, unless the operator has

used appropriate measures, including, but not limited to, those specified in any approved odour management plan, to prevent or where that is not practicable to minimise the odour". There is a similar condition for noise in section 3.4 which states that "3.4.1 Emissions from the activities shall be free from noise and vibration at levels likely to cause pollution outside the site, as perceived by an authorised officer of the Environment Agency, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved noise and vibration management plan to prevent or where that is not practicable to minimise the noise and vibration".

Should the site operator fail to meet the conditions of a permit we will take action in-line with our published Enforcement and Sanctions guidance.

Our EP decision document confirms that: "The OMP has been assessed using Environment Agency Guidance H4 Odour Management – How to Comply with your Environmental Permit and the Poultry Industry Good Practice Checklist. We are happy that the control and contingency measures on site are sufficient to control odorous emissions from the site. We have therefore approved the Odour Management Plan for Penrhos Farm Poultry Unit. The OMP will be reviewed every year; or sooner if an odour complaint is received".

In this instance, as part of the ES, the applicant has provided a reasonable understanding of the emissions from the site, going beyond minimum standards (H4 guidance). Whilst there are some uncertainties associated with factors such as one-off extreme weather events or clean out; which as this independent (Airshed) review suggests, could introduce uncertainty into the overall conclusions. However, there are uncertainties associated with any odour modelling and these assessments form part of a wider understanding of the site.

The odour report also considered the 'in combination' effects of Penrhos Farm and Heath Farm which confirmed that there is little interaction between the plumes of the respective farms.

As confirmed in our previous letter, of 2 July 2014, we would not raise concern based on the information submitted, for odour or noise (discussed further below), or cast doubt on the ES conclusions that the proposed poultry units will not produce any unacceptable Environmental Impacts.

Noise: The applicant submitted a Noise Impact Assessment, prepared by Matrix Acoustic Design Consultants, Report No. M1330/R01, dated 8 October 2013. This has informed a Noise Management Plan (NMP). No further noise modelling work was carried out as part of the Permit application.

The noise assessment indicated a negligible impact on surrounding dwellings and therefore a low probability of likely complaints. If actual emissions from the broiler unit are greater than those modelled your Council should recognise the potential limitations of further noise reduction using commercially available techniques.

For your information, and in reference to the final paragraph of the Airshed Noise Review, the NMP controls feed and fuel deliveries with the inclusion of time restrictions. Delivery Lorries should be fitted with silencers. Whilst you may not wish to duplicate noise management conditions controlled by the EP, you may wish to impose a planning condition to secure matters not regulated by the permit e.g. hours of working.

In conclusion, it should be recognised that the odour assessment provided in the planning application (including ES) went beyond minimum H4 guidance. This confirmed that complaints were unlikely for odour and noise. We were reassured that there was not likely to be significant environmental effects.

Both an odour and noise management plan were submitted with the permit application, this will help control future operational impacts from within the permit installation boundary.

OFFICER COMMENTS

Clearly both the Council's Environmental Health Manager and the Environment Agency raise no concerns with consideration to the reports on odour and noise by Airshed. It is clear that the Environmental Permit issued and monitored by the Environment Agency will address issues in relationship to odour and noise. With regards to odour issues it is noted that the applicant provided information beyond the 98th percentile odour modelling (minimum required under the H4 permitting guidance).

With regards to on site noise issues it is considered that the EP for the site will address issues of concern in relationship to noise. It is noted that the EA response suggests consideration be given to a planning condition with regards to hours of working on site. With consideration to the site's location and animal welfare and husbandry issues an hours of working condition on balance is not considered necessary. It is also noted that the EA's response indicates that assessments provided by the applicant as part of the ES went beyond minimum H4. (Horizontal Guidance). This confirmed that complaints were unlikely on odour issues and this reassured the EA that there were not likely to be significant environmental effects.

The Environment Agent before issuing the EP agreed a noise management plan and this was carried out in accordance with supporting technical notes linked to H4.

Further evaluation of the submitted plans reveals the need to impose a slab level condition to ensure that it is constructed at the correct level in order to mitigate the impact of the development on the landscape.

It is recommended that an additional condition is attached to the approval notice with regards to slab levels. (I51).

NO CHANGE TO RECOMMENDATION

Add additional condition in respect of slab level. (I51)

**P141314/O - PROPOSED TWO BEDROOM BUNGALOW AT
LAND AT RYELANDS VIEW, KINSHAM, PRESTEIGNE, LD8
2HP**

**For: Mrs Barnett per Mrs Olwyn Barnett, Ryelands View,
Kinsham, Presteigne, Herefordshire LD8 2HP**

ADDITIONAL REPRESENTATIONS

The applicant has responded with further information with consideration to comment made by a member of the public with regards to access to the site indicating that when permission was granted for the existing bungalow Hereford and Worcester Highways dictated where the access should be, and required the removal of an existing hedge to comply with visibility splay requirements. A hedge was re-planted and the present owner of The Forge is happy to have the offending hedge removed.

OFFICER COMMENTS

It is noted that the Transportation Manager raises no objection to the application.

ADDITIONAL REPRESENTATIONS

A further letter of support has been received from Cheryl Woolley, Pear Tree House, Leintwardine. The letter indicates the site cannot be described as open countryside, there are dwellings on either side of it, the site is not overlooked and is not visible from the road. There is a growing need for people to remain in their family villages.

NO CHANGE TO RECOMMENDATION

