

MINUTES of the meeting of Planning Committee held at The Shire Hall, St Peter's Square Hereford HR1 2HX on Wednesday 15 April 2015 at 2.00 pm

Present: Councillor PGH Cutter (Chairman)
Councillor PA Andrews (Vice Chairman)

Councillors: AJM Blackshaw, AN Bridges, EMK Chave, BA Durkin, PJ Edwards, J Hardwick, JW Hope MBE, JLV Kenyon, RI Matthews, PJ McCaull, FM Norman and DB Wilcox

In attendance: Councillor J Stone

215. APOLOGIES FOR ABSENCE

Apologies were received from Councillors DW Greenow, KS Guthrie, JG Lester, RL Mayo, J Norris, and TL Widdows.

216. NAMED SUBSTITUTES

There were no named substitutes.

217. DECLARATIONS OF INTEREST

Agenda item 4 112834 The Court, Rectory Road, Hampton Bishop

Councillor J Hardwick declared a non-pecuniary interest because he knew the applicant.

Agenda item 5 150455 Land Adjoining Ivy Cottage, Ashton, Leominster

Councillor FM Norman declared a non-pecuniary interest because she knew the applicant.

Councillor PJ McCaull declared a non-pecuniary interest because he had served on Leominster District Council with the applicant in the 1970s.

218. CHAIRMAN'S ANNOUNCEMENTS

The Chairman reported that Mrs D Klein, Principal Planning Officer, was leaving the authority. He thanked her for her work on a difficult portfolio of applications and wished her all the best for the future.

219. 112834 THE COURT, RECTORY ROAD, HAMPTON BISHOP, HEREFORDSHIRE, HR1 4JU

(Retention of on-farm anaerobic digester and associated ancillary works and equipment; alterations to former slurry lagoon to form a digestate store.)

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.

In accordance with the criteria for public speaking, Mr S Fleet spoke on behalf of local residents in objection to the application. Mrs M Stoker, the applicant's agent, spoke in support.

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

He made the following principal comments:

- Planning permission had been granted for a significantly smaller plant.
- The plant was being well managed and was environmentally sound.
- No traffic to and from the plant currently used Mordiford Bridge. The main issue was the effect of farm traffic on Eign Road and Ledbury Road in Hereford with concerns about safety and disturbance, noting also that there were three nursing homes on Hampton Dene Road. He noted that a draft traffic management plan had been drawn up.
- The applicant was seeking to provide a private road across his landholding which would avoid Hereford City Centre with an access point to the Ledbury Road at Tupsley.

In the Committee's discussion of the application the following principal points were made:

- It was outrageous that a much larger plant had been constructed than planning permission had permitted, leading to the situation where a retrospective application for planning permission was now having to be considered. The Principal Planning Officer acknowledged that the situation was regrettable. However, the reality was that a large well run business with considerable capital invested within it was now in operation generating clean energy. She noted that if the business were to return to conventional farming this would generate additional traffic which would not be subject to any traffic management plan.
- The development would have a huge impact but little community benefit except to its owner.
- The main issue was the impact of farm traffic. The tractors and trailers used were of considerable size. They could not use Mordiford Bridge and this meant that they had to use streets in the City Centre. Concern was expressed that these large vehicles were being driven by young drivers without sufficient training and experience who were operating under pressure to meet deadlines. This created a safety risk.
- There was concern as to whether a traffic management plan would be effective.
- Many other large vehicles transported material along Eign Road and Ledbury Road without incident and there was a need for perspective.
- It was requested that the applicant should be encouraged to ensure that the drivers employed were trained to a high standard. The Principal Planning Officer commented that the draft traffic management plan included provision for guidance to drivers. The applicant had indicated that he did not propose to employ young drivers for this task.
- It was asked whether a condition could be imposed requiring the applicant to develop a private road that would provide an access to the Ledbury Road avoiding the City Centre. The Principal Planning Officer commented that a condition could not be imposed. The proposed road would need to cross a Site of Special Scientific Interest (SSI), a Special Area of Conservation (SAC) and pass a scheduled ancient monument. However, it was clear that the applicant

wished to investigate the option seriously not least because of the financial saving the much shorter route would entail. In the light of this comment it was requested that, if approved, an informative be added to the decision notice.

- Another view was that the application should be refused on highway grounds and reconsidered if a suitable alternative access was approved.
- The City Council and Parish Councils objected to the proposal and there were 25 letters of objection.
- Some reservations were expressed about the nature of anaerobic digesters, although it was acknowledged they did produce clean energy. It was questioned how many anaerobic digesters could be supported within the County noting their resource requirements, which included the questionable practice of growing food crops to supply them. It was also asked whether these, and other large developments such as chicken houses, could be developed away from the City given the traffic constraints. The Principal Planning Officer commented that 16 applications for anaerobic digester plants within the County had been approved and two had been refused. She added that the applicant had stated that he had a secure contract for the supply of pomace (apple residue) from the UBL factory at Ledbury to supply the plant.
- The site was a large, well managed business.
- It was asked whether the required habitat screening assessment had been undertaken. The Principal Planning Officer commented that the necessary work had been undertaken by the Environment Agency as part of the process for granting an Environmental Permit. She referred also to the comments of Natural England set out at paragraph 4.2 of the report which concluded that the development was unlikely to have a significant effect on the SAC and provided the development was carried out as proposed the SSSI would not represent a constraint.
- The use of the site did mean that untreated effluent was not being spread on the fields.
- It was requested that mature trees were used to achieve effective screening of the site.
- In relation to condition 11 proposed in the recommendation it was asked whether any additional steps could be taken to prevent odour emissions when transporting materials. The Principal Planning Officer commented that there were some logistical issues in requiring the sealing of all vehicles. However, it would be possible to require stricter recording in the site diary. She noted that the digestate itself had no odour and the material being transported to the site was crop material which also had no odour.
- In relation to the reason associated with condition 5 proposed in the recommendation it was asked whether reference could be made to enforcement action being taken within a specified period in response to any complaints.
- It was asked whether the weight limit of the vehicles using the site could be reduced thereby permitting use of Mordiford Bridge. The Principal Planning Officer commented that once a vehicle was on the public highway no planning restriction could be imposed.

The Traffic Manager noted that using smaller vehicles might be more expensive for the applicant. It would also generate more vehicle movements. The proposal would represent no more than a 2% increase in traffic on Eign Road and this was generally considered to be a negligible level, well within the highway capacity. There had been no recorded accidents involving tractors and trailers in the relevant period. The concerns about highway safety were perhaps a question of perception rather than the reality.

The Development Manager commented that the question of highway safety was clearly the main issue. Granting planning permission would provide an opportunity to regulate the operation of the site through conditions. The possibility of an alternative access being created was not a relevant consideration for the Committee at this time. However, an informative could be added encouraging the applicant to pursue such an alternative. The site had been operational without regulation for three and a half years. The proposal including a traffic management plan represented an improvement on the current situation.

The local ward member was given the opportunity to close the debate. He expressed the hope that the alternative access could be pursued. He noted that modern tractors had many safety features.

A motion that planning permission for the application be refused was lost on the Chairman's casting vote.

RESOLVED: (on the Chairman's casting vote) That the officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any additional conditions considered necessary after consultation with the Chairman and local ward member.

1. **B01 Development in accordance with the approved plans**
2. **Within 8 weeks of the date of this permission, a finalised Traffic Management Plan (TMP), based on the revised draft received on 31 March 2015, shall be submitted to and approved in writing by the local planning authority. The final version of the TMP shall include all features previously agreed; shall reflect updated and accurate assessment of all local school times; and shall provide for tool-box talks with drivers and/or contractors, with periodic review or updating. The details shall be implemented as approved for the lifetime of the development hereby permitted.**

Reason: In the interests of road safety and free flow of traffic, to avoid unnecessary congestion, and to meet the requirements of Policies S2, S6, DR1, DR3, T8 and T9 of the Herefordshire Unitary Development Plan and the requirements of the National Planning Policy Framework.

3. **C10 Details of external finishes and cladding (industrial buildings)**
4. **M07 Flood evacuation management plan**
5. **Within 8 weeks of the date of this permission, details of a site diary and complaints system shall be submitted to and approved in writing by the local planning authority. The scheme shall accord with the terms of the Environmental Permit and shall include in particular:**
 - i) **A named appointed person having a duty to maintain the diary and complaints record;**
 - ii) **Site diary methodology, including the brief recording of daily activities relating to the permitted plant;**
 - iii) **Means of receiving and recording any complaints relating to the development hereby permitted;**
 - iv) **Permanent location for keeping documentation, and its availability for inspection;**

v) **Details of action to be taken in the event that a complaint is substantiated; and**

vi) **Provision for monitoring and review of the complaints system.**

The scheme shall be implemented as approved for the lifetime of the development hereby permitted.

Reason: To ensure that any substantiated complaints are adequately recorded and promptly addressed, in accordance with Policies S1, S2, DR4 and DR9 of the Herefordshire Unitary Development Plan and the requirements of the National Planning Policy Framework.

6. **G10 Landscaping and biodiversity enhancement scheme**
7. **G11 Landscaping and biodiversity enhancement scheme - implementation**
8. **I53 Manure storage**
9. **I33 External lighting**
10. **I09 Sound insulation of plant and machinery**
11. **In relation to the development hereby permitted, no feedstock or digestate materials shall be transported into or out from the site unless they are contained within securely covered or sealed vehicles, trailers or tankers.**

Reason: In the interests of road safety, to prevent the dispersion of materials, dust and bio-aerosols, to prevent odour nuisance, and to protect air quality and local amenity in accordance with Policies S2, DR1, DR4, DR9, T8 and T9 of the Herefordshire Unitary Development Plan and the requirements of the National Planning Policy Framework.

12. **No vehicles, which are in the control of the applicant and used in connection with the development hereby permitted, shall be fitted with reversing alarms unless those alarms are of a 'white noise' type.**

Reason: To protect the amenity of local residents and to comply with Policy DR13 of the Herefordshire Unitary Development Plan and the requirements of the National Planning Policy Framework.

13. **F14 Removal of permitted development rights**
14. **I22 No surface water to public sewer**
15. **I28 No discharge of foul/contaminated drainage**
16. **I25 Bunding facilities for oils/fuels/chemicals**
17. **I43 No burning of materials within the application site except in the CHP unit**
18. **I46 Restriction on height of open air storage**
19. **K4 Nature Conservation – Implementation**

Informatives:

- 1** The application is accompanied by an Environmental Statement submitted under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, which has been taken fully into consideration in determining this application.
- 2** The local planning authority has acted positively and pro-actively in determining this application by identifying matters of concern within the application as submitted. The authority has actively engaged in dialogue and negotiations with the applicant and his consultants to secure acceptable amendments. 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 in the National Planning Policy Framework
- 3** Developers should incorporate pollution prevention measures to protect ground and surface water. The Environment Agency has produced a range of guidance notes giving advice on statutory responsibilities and good environmental practice, which include Pollution Prevention Guidance Notes (PPGs) targeted at specific activities. These can be viewed at: <https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>
- 4** For information on developing a Flood Evacuation Management Plan see Environment Agency guidance: sub-section 22 of the Flood Risk and Coastal Change Section of the PPG and online at: <https://www.gov.uk/browse/environment-countryside/flooding-extreme-weather>
- 5** N11C General
- 6** HN16 Sky glow
- 7** HN01 Mud on highway
- 8** Without prejudice, the applicant is urged to expedite proposals for consideration to upgrading existing internal farm tracks between The Court Farm and Tupsley Court, including an appropriate means of accessing the A438 at Tupsley Pitch, in discussion and negotiation with the local highways authority, the local planning authority and statutory consultees as necessary, with a view to submitting a planning application for the said works at the earliest opportunity. Pre-application advice should be sought under the Council's scheme to enable draft details to be considered in advance and any matters of concern to be fully evaluated.

220. 150455 LAND ADJOINING IVY COTTAGE, ASHTON, LEOMINSTER, HEREFORDSHIRE, HR6 0DN

(Proposed supported living dwelling house and alteration of an existing vehicle crossover.)

The Principal Planning Officer gave a presentation on the application. He noted that additional information had been circulated by the applicants relating to their personal circumstances. However, no weight could be given to this information in considering the planning application.

In accordance with the criteria for public speaking, Mr G Poulton, Chairman of Luston Group Parish Council, spoke in support of the Scheme. Mr and Mrs King, the applicants, spoke in support.

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

He made the following principal comments:

- The applicants had sought to engage with officers at the pre-application stage. An earlier application had been refused with location of the proposed dwelling being the main reason.
- The applicants wished to remain in the locality despite deteriorating health. The proposal was consistent with the Council's housing policies aimed at helping older people to stay in their homes.
- There was no criticism of the design of the property or the materials to be used. He considered, contrary to the report, that the proposal did have sufficient innovative elements to meet the requirements of paragraph 55 of the National Planning Policy Framework (NPPF) which provided that the development of new isolated homes in the countryside should be avoided unless there were special circumstances.
- There was substantial support in the local community for the proposal including from the applicants' GP.
- The Parish Council supported the proposal.
- There were no letters of objection.
- There was no objection from the Transport Manager.
- The development was not isolated and was sustainable with many local amenities readily accessible. The proposal therefore fulfilled the relevant considerations set out at paragraph 6.8 of the report used to determine whether a site represented a sustainable location, having regard to the NPPF and relevant policies.

In the Committee's discussion of the application the following principal points were made:

- The proposal was consistent with the aim of enabling people to remain in their own homes within their local community.
- The Parish Council supported the proposal and there were also 23 letters of support.
- There were grounds to support the application having regard to the NPPF. The proposal was sustainable and was of innovative design.
- It was to be hoped that the Neighbourhood Plan would make provision for other residents facing similar circumstances.

The Development Manager commented that the applicants already had two properties on the site. The application would provide a third dwelling. The development was in the open countryside and was unsustainable. The proposed building was over 300sqm and would be dominant in the landscape. The proposal was a clear departure from the NPPF together with existing and emerging Council policies.

The local ward member was given the opportunity to close the debate. He reiterated that the development was innovative and sustainable and had no adverse impacts. There was considerable local support and no objections. The Council should seek to meet the wishes of residents to remain in or near their existing homes.

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 proposal met a local need and was innovative and sustainable.

221. 143368 POPLANDS LANE, RISBURY, HEREFORDSHIRE

(Proposed new dwelling to support a family with local connections in Risbury.)

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.

In accordance with the criteria for public speaking, Mr W Jackson, Chairman of Humber, Ford and Stoke Prior Group Parish Council, spoke in support of the Scheme. Mr P Lawley, a local resident, spoke in objection. Mrs S Wilson, the applicant, spoke in support.

The local ward member, Councillor JW Millar, was unable to attend the meeting because of a prior commitment on Council business. He had submitted a statement to members of the Committee in advance of the meeting. The Chairman allotted time for members and the public speakers to read the submission.

The local ward member made the following principal points in his submission:

- The application was not about a house in the countryside, but about a family home for a local family which would enable them to more easily manage their livestock.
- The building would be innovative, utilising the disused quarry owned by the applicants as a site, and using a range of green and sustainable building methods.
- The dwelling would be well screened, and would result in no additional traffic as the applicants currently travelled regularly up and down Poplands Lane to visit their livestock.
- The report did not give sufficient weight to reasons why the development might be advantageous to both the applicant and the community.
- If the proposed amendments to the Core Strategy were agreed, this would result in some increased housing outside traditional settlement boundaries. This should be considered to be emerging policy.
- The concept of sustainability continued to be unclear. The report referred to the poor pedestrian access to local facilities and services. The village of Risbury had no such facilities or services which may be accessed by any resident other than by vehicular transport. Sustainability was not just about access to facilities, but about the construction and intent for a dwelling. The application met this test by having green and sustainable construction methods and enabling the applicants to manage their lives in a more sustainable way.
- The Parish Council supported the application and regard should be had to its local knowledge and its full response set out at paragraph 5.1 of the report.
- He summarised the points made by those writing in support of the application and those writing in objection to it as set out at paragraph 5.2 and 5.3 of the report.
- He had sympathy with those living closest to the site but did not consider that the objections made refusal appropriate. The site would be screened and the inconvenience to neighbours would be minimal. The proposal was innovative and allowed a local family to more effectively and sustainably manage their livestock, whilst freeing up their former home.

- On balance he therefore supported the application, which would deliver innovative design, add to the housing stock and support the vibrant rural economy and urged the Committee to approve it.

In the Committee's discussion of the application the following principal points were made:

- There was support for giving weight to the views expressed by the local ward member. It was noted that the development would provide a family home for a local family. There was consensus that the building would be of innovative design and therefore permitted by paragraph 55 of the NPPF.
- Weight should also be given to the Parish Council's support for the application.

The Development Manager commented that he remained of the view that the recommendation that the application should be refused was correct. A number of similar applications had been dismissed at appeal. The development was in the open countryside in an isolated location, unsustainable and contrary to policy.

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 proposal met a local need and was innovative and sustainable.

222. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

The meeting ended at 4.30 pm

CHAIRMAN

PLANNING COMMITTEE

Date: 15 April 2015

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.

Afternoon

143368 - PROPOSED NEW DWELLING TO SUPPORT A FAMILY WITH LOCAL CONNECTIONS IN RISBURY AT POPLANDS LANE, RISBURY, HEREFORDSHIRE

For: Mr Wilson per RRA Architects, Watershed, Wye Street, Hereford, Herefordshire, HR2 7RB

ADDITIONAL REPRESENTATIONS

The applicant's agent states that Risbury is still in the Core Strategy. Inspectors refer to sites adjacent to or within the built form of identified villages. Local needs should be referred to in report.

The report states the dwelling is 4 bedroom. It is a 3 bedroom dwelling. It is not predominantly vertically clad but horizontally clad. Six letters of objection are quoted in fact seven letters received and the same family provides 5 of the letters. Also, there are eight letters of support not six letters as stated

Closest facilities in Stoke Prior incorrect, village hall, bus stop at Risbury and public house at Stoke Prior open since Christmas. Dwelling is not 3 storey in height as stated in report.

The dwelling is innovative as per Paragraph 55 of NPPF. Appeal decision referred to at Wharton was a commercial one for six dwellings. Site may or may not be described as brownfield, still unsuitable for agriculture. Risbury needs eighteen houses, this dwelling provides one of them.

OFFICER COMMENTS

The proposed dwelling has three bedrooms and is clad horizontally not vertically. Eight letters of support have been received raising issues similar to those raised in the report. There is one extra letter of objection again not raising new matters.

There is a Village Hall and bus stop at Risbury and a Public House at Stoke Prior which is 4.5 kilometres away. The dwelling is just under 9.7 metres high when measured from ground level to the ridge of the roof. Strictly speaking it does provide only two floors of accommodation.

Paragraph 55 requires that dwellings are truly innovative. Should this application have been submitted as constituting exceptional and outstanding development it would have been anticipated that it would have been the subject of preliminary discussion with groups such as CABI. It should be noted that the proposal has not been recommended for refusal on design grounds only on the principle of development in the open countryside.

This is not a sustainable location lying adjacent to or within a settlement. The Core Strategy has only limited weight at this time as confirmed by a recent appeal decision for a site for a single affordable dwelling at Bleathwood dated 7 April 2015. (P141234/F/APP/W1850/W/14/3001311)

NO CHANGE TO RECOMMENDATION