

## Planning Committee

Date: **Friday 3 April 2009**

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Time: **10.00 am**

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Place: **The Council Chamber, Brockington,  
35 Hafod Road, Hereford**

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Notes: Please note the **time**, **date** and **venue** of the meeting.

*For any further information please contact:*

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## Herefordshire Council



# AGENDA

## for the Meeting of the Planning Committee

To: Councillor TW Hunt (Chairman)  
Councillor RV Stockton (Vice-Chairman)

Councillors ACR Chappell, PGH Cutter, H Davies, GFM Dawe, DW Greenow, KS Guthrie, JW Hope MBE, B Hunt, G Lucas, RI Matthews, PM Morgan, JE Pemberton, AP Taylor, DC Taylor, WJ Walling, PJ Watts and JD Woodward

### Pages

#### 1. APOLOGIES FOR ABSENCE

To receive apologies for absence.

#### 2. NAMED SUBSTITUTES (IF ANY)

To receive details any details of Members nominated to attend the meeting in place of a Member of the Committee.

#### 3. DECLARATIONS OF INTEREST

To receive any declarations of interest by Members in respect of items on the Agenda.

#### GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS

The Council's Members' Code of Conduct requires Councillors to declare against an Agenda item(s) the nature of an interest and whether the interest is personal or prejudicial. Councillors have to decide first whether or not they have a personal interest in the matter under discussion. They will then have to decide whether that personal interest is also prejudicial.

A personal interest is an interest that affects the Councillor more than most other people in the area. People in the area include those who live, work or have property in the area of the Council. Councillors will also have a personal interest if their partner, relative or a close friend, or an organisation that they or the member works for, is affected more than other people in the area. If they do have a personal interest, they must declare it but can stay and take part and vote in the meeting.

Whether an interest is prejudicial is a matter of judgement for each Councillor. What Councillors have to do is ask themselves whether a member of the public – if he or she knew all the facts – would think that the Councillor's interest was so important that their decision would be affected by it. If a Councillor has a prejudicial interest then they must declare what that interest is and leave the meeting room.

#### 4. MINUTES

To approve and sign the Minutes of the meetings held on 12th February, 20th February and 13th March, 2009.

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To receive any announcements from the Chairman.	
<b>6. NORTHERN AREA PLANNING SUB-COMMITTEE</b>	41 - 42
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To receive the attached report of the Central Area Planning Sub-Committee meeting held on 4th March 2009.	
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To receive the attached report of the Southern Area Planning Sub-Committee meeting held on 18th February 2009 and 18th March 2009.	
<b>9. DCNW2008/1289/F - PROPOSED ERECTION AND OPERATION OF 4 WIND TURBINES AND ASSOCIATED ACCESS TRACKS, HARDSTANDING AND SUB STATION BUILDING REEVES HILL, REEVES LANE, NEAR KNIGHTON, HEREFORDSHIRE</b>	47 - 52
To provide an update to the Committee about the planning application.	
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<b>10. DCCW2008/2887/F - CHANGE OF USE FROM BAKERY TO CHIP SHOP AT 17 MEADOW DRIVE, CREDENHILL, HEREFORD, HEREFORDSHIRE, HR4 7EF</b>	53 - 60
For: Mr. M. Meophytou per John Farr and Associates, Fincham, Stockley Hill, Peterchurch, Hereford, HR2 0SS	
To consider an application which has been referred to the Committee because the Central Area Planning Sub-Committee was mindful to refuse it contrary to recommendation.	
<b>Ward: Credenhill</b>	
<b>11. DATE OF NEXT MEETING</b>	
15th May, 2009	

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HEREFORDSHIRE COUNCIL

**MINUTES of the meeting of Planning Committee held at  
The Shirehall, St Peter's Square, Hereford on Thursday 12  
February 2009 at 10.00 am**

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

Councillors: PGH Cutter, H Davies, GFM Dawe, JHR Goodwin,  
KS Guthrie, JW Hope MBE, B Hunt, G Lucas, PM Morgan,  
JE Pemberton, GA Powell, AP Taylor, DC Taylor, WJ Walling, PJ Watts  
and JD Woodward

**In attendance:** Councillor LO Barnett

**81. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors DW Greenow & RI Matthews.

**82. NAMED SUBSTITUTES (IF ANY)**

Councillor GHR Goodwin was appointed named substitute for Councillor DW Greenow and Councillor G Powell for RI Matthews.

**83. DECLARATIONS OF INTEREST**

There were no declarations of interest made at the meeting.

**84. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 9th January, 2009 be approved as a correct record and signed by the Chairman

**85. CHAIRMAN'S ANNOUNCEMENTS**

The Assistant Chief Executive Legal & democratic read out the contents of a letter which had been received from the Government Office for the West Midlands. The Secretary of State for Communities and Local Government had directed that the Council should not grant planning permission on the wind turbines application set out in Agenda item No.6 for the meeting, until she had considered whether it should be referred to her for determination. She had said however that the Committee could consider the application and be mindful to refuse it if saw fit, and that the applicants would still have the right to appeal.

The Head of Planning and Transportation outlined the options available to the Committee which were to:-

- (a) be mindful to approve the application as recommended and seek the views of the Secretary of State for Communities and Local Government as to whether it should be referred to her for determination;
- (b) make a decision contrary to the recommendation taking into consideration all the appropriate material planning issues, the Councils policies,

Government policies and the impact of the scheme on the landscape and historic setting or;

- (c) to defer the matter in the light of the further representations made and to seek more information from the applicants about the proposal.

He said that the application was a complex one and that the special meeting had therefore been arranged to consider it, with more time being allocated for public speaking. He asked the committee to focus on the policies contained within the Herefordshire Unitary Development Plan and all the material planning considerations including Planning Policy Statement (PPS) 22, which was a very clear policy introduced by the Government to support schemes which involved sources of renewable energy. These policies and considerations needed to be weighed carefully upon the impact of such a scheme on the historic landscape of the area and the affect that it would have on nearby residents.

The Chairman said that at this juncture he would proceed with the presentation of the application and public speaking. If it was subsequently decided to defer the application and the matter was considered at a future meeting, he would allow public speaking to take place for a second time in view of the considerable public interest about the application.

**86. DCNW2008/1289/F - PROPOSED ERECTION AND OPERATION OF 4 WIND TURBINES AND ASSOCIATED ACCESS TRACKS, HARDSTANDING AND SUB STATION BUILDING AT REEVES HILL, REEVES LANE, NEAR KNIGHTON, HEREFORDSHIRE**

The Principal Planning Officer presented the report of the Head of Planning and Transportation about a planning application for the provision of four wind turbines and associated works at Reeves Hill in the northwest of the County, on land comprising approximately 3.81 hectares across three separate farm holdings. He explained the process that had been involved in preparing the report and the extensive consultations that had been undertaken with the public, interested parties and groups, statutory undertakers and Powys County Council. He showed slides of the application site and a visual impression of what the turbines might look like when viewed from different locations and distances to indicate what their impact might be on the landscape and historic setting of the area. He drew attention to the following corrections to the report and read out the updates which had been received since it had been printed:-

**Corrections to the report**

paragraph 1.2 - 'Within 2km of the site are approx. 15 isolated dwellings' should be 'Within 1km of the site';

paragraph 2.1 referred to Planning Policy Guidance 7 should be Planning Policy Statement 7;

paragraph 6.2 - the Energy White Paper dated February 2007 should be February. 2001; and

paragraph 6.86 - Tipton Farm House was 600 metres from the site of the nearest proposed turbine, not 600 metres from the application site.

**Shobdon Airport**

The Manager of Shobdon Airport had objected to the application on the

grounds that the Airport believed that the proposed development would have a significant impact upon flight safety in the Shobdon/Presteigne area. He had contended that because the site was only 6nm from the air traffic zone of the airfield, in difficult weather conditions a pilot who was diverted to Shobdon Airport would be unable to see the turbines. He was also concerned about the impact of the proposed development on other activities at the airport such as gliding and microlights and the impact on navigational and communication facilities used at the airfield

#### Officer Comments

The issues raised by the airport manager were not considered to be sufficient material planning grounds for refusal of the application. Other relevant air traffic consultees had raised no material planning objections to the application. The airport operated with a license obtained from the Civil Aviation Authority which had not raised the matter as an issue in their response to the application.

#### **The Georgian Group**

Further comment has been received from the Georgian Group that was concerned about the impact of the proposed development on the late-Georgian designed landscape of international significance. It also considered that the impact had been underplayed in the Environmental Statement to an extent that was seriously misleading. They were particularly concerned about the impact on Brampton Bryan Park and Stanage Park.

#### Officer Comments

The issues raised by the Georgian Group were noted but the application site was not subject to special landscape designation and officers were of the opinion that although there would be some impact on views from both parklands, it would be limited and not significant enough to warrant refusal of the application.

#### **Powys County Council**

Access to the site would have to be gained via a route commencing in Powys. A letter has been received from Powys County Council Highways Authority advising that the planning application for the proposed access route, which would run from Ludlow Road, Knighton onto Lanshay Lane, had yet to be determined by the Council and that further information was awaited from the applicants.

#### Officer Comments

Officers recommended that an appropriate 'Grampian Condition' should be included in any planning permission which was granted. This would necessitate the applicants first obtaining planning permission from Powys County Council for the access, prior to being able to implement the consent from Herefordshire Council. Details about how the access would be controlled were included in the proposed Planning Obligation under Section 106 of the Town and Country Planning Act 1990 and set out in the report.

#### **Stonewall Hill Conservation Group**

A letter had been received from Richard Buxton, Solicitor, on behalf of the Stonewall Hill Conservation Group, expressing concerns about (i) an

anemometer needed on site to record wind speed; (ii) concerns about information in respect of noise issues and that advice sought on noise issues had not been made public; and (iii) the mitigation offered by the developers which was not included in the Environmental Statement or available for the public to comment upon.

#### Officer Comments

The view of the Officers was that (i) it was unlikely that the scheme would be carried out if there was insufficient wind speed data collected for the site. Also it was outlined in the Environmental Statement that the wind speed data collected on site in 1994 for a previous application for turbine development was being used; (ii) there was information from the Council's Consultants on noise issues on the planning file which was available for inspection by members of the public on request; and (iii) in response to the concerns as raised about the proposed mitigation measures not having been originally included in the Environmental Statement, advice from the Council's Legal Department would be obtained .

#### English Heritage

Further comments had been received from English Heritage who concluded by stating they agreed with the applicant's Environmental Statement that the archaeological impact was primarily upon Offa's Dyke, especially between Hergest Ridge and Llanfair Hill. Its views were as follows:-

- agree that in terms of Offa's Dyke there are identifiable Historic Environment values;
- consider that those values do not apply evenly as measurable receptors across the whole landscape;
- agree that a consideration of setting is appropriate against the tests set out in Conservation Principles and within English Heritage guidance on Wind farms;
- consider that the area which has proved most difficult is the impact upon the section of Offa's Dyke between Llanfair and Panpunton Hills. We have carefully assessed this section in the light of information provided and the approach described. It is acknowledged that the turbines will have greatest impact where they are in-line with the direction of the Dyke. We also conclude that limited visibility (because of the undulating nature of the land) and distance are mitigating factors;
- consider that the original report was deficient in some areas and this was picked up by the local authority and others in accordance with our advice that the matter be considered in accordance with established policies;
- note that the supplementary information report of October 2008 did provide improved information, although does also contain minor errors and some judgements with which we differ; and
- our overall conclusion, taking into account concepts of setting to and value of historic assets affected by the proposal, is that the formal consultation responses that we have already forwarded to the local authority remain, namely that the application be determined in the light of existing local and

national policies and guidance.

**Officer Comments**

Although English Heritage had responded with additional comments in respect of the application, it did not object to the proposed development and its original response stood in that it considered that the application had taken account of English Heritage advice contained in its publication: 'Wind Energy and the Historic Environment'.

**Additional Representations**

A letter (sent via email to Members of the Planning Committee) had been received from the applicants' agent informing Members of current policy and legislation in respect of the development subject to this application.

**Officer Comments**

The Officers had no further comment on the response received from the applicants' agent.

**Additional Representations**

A letter has been received from the applicants confirming that they were prepared to enter into a Deed of Covenant regarding the Community fund, as outlined in the report and their Environmental Statement, in support of the application.

**Officer Comments**

This was not considered by the Officers to be an issue of material planning consideration in respect of the application.

**Stapleton Group Parish Council**

The parish council had raised concerns that the temporary wind speed monitoring mast which had been approved under planning application ref: NW08/1598/F had not been installed on site, and that therefore no accurate wind speed data had been collected on site in consideration of any advantages for the scheme in terms of Co2 reduction, outweighing the disadvantages in terms of the damage to the local environment. Herefordshire Council was therefore not in full possession of the facts on to properly consider the application.

**Officer Comments**

The Officer stated that it was considered reasonable that the development would not be carried out if there was insufficient wind speed data collected for the site. Also as indicated in the Environmental Statement, the applicants were relying on wind speed data already collected on site for a previous application for wind turbines.

**The International Council on Monuments and Sites UK**

A letter of objection had been received from the International Council on Monuments and Sites UK, (ICOMOS). The objection was based on what it

considered to be the impact of the proposed development on Offa's Dyke and the significant adverse effect the proposed turbines would have on the integrity of this asset before a proper understanding of its full significance has been set out as a basis for sustainable management.

#### Officer Comments

Officers acknowledged these concerns but were of the view that the letter raised no additional issues of concern in relation to the application.

#### The Garden History Society

The Garden History Society had objected to the proposed wind farm and concluded by stating:

- we consider that the proposal would have a significantly adverse impact on the Grade II registered landscape at Brampton Bryan, and the Grade I registered landscape at Stanage;
- we consider that the development would have an adverse impact on the setting of Downton Castle (II), Croft Castle (II) Shobdon (II), Eywood (II) and Gatley Park (II) in England; and on the setting of Boultonbrooke (II), Broad Heath (II) and Silia (II) in Wales;
- we conclude that the proposed development conflicts with Government planning policy guidance contained in PPG15 (para 2.24), and Planning Policy in Wales (2002), p 75;
- we strongly advise your Authority that the documentation produced in support of this application, including the Supplementary Environmental Report (October 2008), is seriously flawed and deficient in its consideration of the impact of the development on the historic environment, and nationally designed landscapes in particular. We do not consider the documentation to be an appropriate basis on which your Authority should proceed to determine the application.

#### Officer Comments

The views of the Society were not felt to raise any new issues of concern about the application.

#### The Council's Environmental Health Manager

The Environmental Health Manager had responded to concerns raised by a member of the public in relationship to noise from the proposed development stating that: *In response to this and the previous objection by the complainant, I feel that the noise limit of 38dB L90 10 minutes requested as condition 13 addresses the issue of enforceability based on ETSU-R-97. A set limit means any future noise measurements recorded can be compared directly to the limit set and not to previously measured data by the applicant.*

#### Officer Comments

No further comments were raised by the Officers about this issue.

**Letters from the public**

112 further letters of objection had been received from members of the public. These included the views of The Offa's Dyke Association and the Stonewall Hill Conservation Group.

Three letters had been received from households in response to letters from the Council informing them of the date and time of the Planning Committee and stated that they did not wish to comment on the application.

Two letters had been received requesting withdrawal of their letters of objection to the proposed development.

**Officer Comments**

Although the letters raised many issues of concern in relation to the application, the Officer was of the view that no new issues of material planning consideration had arisen.

**No change to recommendation**

The Principal Planning Officer recommended that if the committee was minded to approve the application, delegated authority should be given to the Head of Planning and Transportation to amend conditions 10 – 18 inclusive (noise), to accord with the Council's best practice on the use of planning conditions

The Northern Team Leader said that although planning applications for similar installations had been refused in the past, the introduction of PPS 22 had changed the situation in that such renewable energy schemes should be looked on more favourably. The Officers had carefully considered all the factors involved and the extensive representations received. They felt that although there would be an impact on the landscape setting, this was not considered to be sufficient to warrant refusal and that the careful use of a number of planning conditions could help to minimise the impact of the scheme.

In accordance with the criteria for public speaking, the following spoke in objection to the application:-

1. Dr. S Hugh-Jones - Chairman of Stonewall Hill Conservation Group
2. Mrs S Andreae - Chairman of Offa's Dyke Association
3. Mr. M Berkeley - Composer and broadcaster

The objectors reiterated their objections set out in the report and updates including (i) the lack of proper anemometer wind speed recording on the site; (ii) concerns about information in respect of noise issues and that advice sought on noise issues had not been made public; and (iii) concerns that the mitigation as offered by the developers was not included in the Environmental Statement and made available for the public to comment upon (iv) the impact of the scheme on local residents and local businesses; and (v) the considerable detrimental effect of the turbines on the historic landscape setting and in particular Offa's Dyke and historic buildings parks and gardens. They did not feel that the report properly set out the true impact of the scheme on the locality and that local people were totally opposed to it.

The following spoke in favour of the application in accordance with the criteria for public speaking:-

1. Mr S Goulay (Marches Green Energy)
2. Mr J Maloney (Energy for All)
3. Mr M Corker (Bostone Energy)

The supporters of the scheme drew particular attention to Government policy which promoted the introduction of sources of renewable energy and the need to help to meet government targets to reduce CO<sub>2</sub> emissions by 20% in 2020 and 80% in 2050. They pointed out that the planned decommissioning of coal and gas fired power stations needed the extension of such schemes and felt that wind turbines were more acceptable than nuclear fuel which would take longer to become available and leave a legacy of nuclear waste for future generations.

Councillor LO Barnett the Local Ward Member said that the application had caused a considerable amount of interest amongst local people and that opinion was divided about the scheme. She had received a considerable amount of correspondence locally and from residents and Officers in adjoining Powys which bordered the site. She felt that the representations for and against had been set out in a very comprehensive report and commended the work which had been done by the Officers. As had been said, the application had to be judged in relation to existing policies and the need for renewable energy and balanced against the impact on an important historic landscape, local residents and local businesses. She supported the Council's policies but said that it was for the Committee to decide upon the best way forward.

The Chairman said that many more views had been received about the proposals since the report had been produced. The objectors were concerned about a lack of clarity on the wind speeds in the locality and felt that there was a need for further assessment of the likely harm to the prevailing landscape and visual amenity in the wider area from the proposed development. They also wanted further assessment of the likely impact on the historic environment in general, and on Offa's Dyke, Brampton Bryan Park and Stangate Park in particular. Another area of concern to them was the degree of noise generation from the wind turbines and the measures taken to assess it. Further issues they had raised included clarification of procedural matters around the submission, contents and mitigation measures set out in the Environmental Statement and the arrangements for vehicular access to the site. In view of these he proposed that consideration of the application should be deferred. Councillor B Hunt agreed with this view because of the queries that had been raised and the need for them to be further considered before a decision could be made. He was disappointed that the direction from the Government Office for the West Midlands had only been received the day before the meeting. He therefore felt that the Committee needed to know whether the Secretary of State intended to call in the application and what her decision would be, before the Committee could decide upon the next step.

Councillor PGH Cutter was of the view that ample information was available for the Committee to determine the application and that it would be unfair to defer it, given the considerable public interest in the application and the large numbers of public present at the meeting. Councillors ACR Chappell and WJ Walling expressed agreement.

**A vote was taken and the motion to defer consideration of the application was lost**



*At this juncture Committee took a ten-minute recess and then reconvened.*

Councillor AP Taylor had shared the concerns about the potential danger of the turbines to low flying aircraft in bad weather. He also wondered just how cost effective the scheme would be, given the amount of money given to such enterprises through Government subsidy which seemed to be disproportionately high in relation to any benefits which would arise if the scheme was to proceed. Councillor GFM Dawe said that he had done his own calculations and had estimated that the carbon footprint of construction had demonstrated a favourable balance for the projected duration of the scheme.

Councillor JD Woodward shared the concerns expressed by the objectors to the scheme about the significant impact it would have on local residents, the tourist industry and an important area of landscape with significant historic buildings and features. She acknowledged that there was a considerable need for renewable energy but did not feel that this was the right location for wind turbines. She felt that as custodians of the natural landscape, the Council had a moral obligation to protect it for future generations. She expressed doubts about the level of energy that could be produced by four turbines compared to the likely level of financial investment that would be made towards the costs of the scheme. Councillor PM Morgan said that she had been on the site inspections and read all the correspondence and reports and had to ask herself how she would feel if there was a similar scheme in her area. She felt that wind turbines were out of keeping with the natural environment but that a crucial stage would soon be reached regarding energy production, with fossil fuel stocks declining, and that it was therefore essential to provide alternative forms of energy generation. On balance she was therefore in favour of the scheme.

Councillor ACR Chappell said that he had also read all the correspondence and information about the application and commended the Officers for writing such a well-balanced and informative report about all the issues involved with the application. He noted the concerns about the impact on local people, tourism and the historic landscape. He compared the site to Clee Hill near Ludlow where some years ago an early warning system had been installed, which was highly visible for considerable distances. He said that at the time there had been great public concern but that over the years the site had become quite a landmark and felt that the same would happen with Reeves Hill if the turbines were installed. He noted the concerns that had been raised but felt that the site was in a fairly remote location and that the scheme was far more acceptable than overhead cables and pylons. He felt that some may view the turbines as elegant and that in view of Government policy regarding the need for renewable energy schemes, and the fact that local homes would be served by the turbines, there were no reasonable planning grounds to merit refusing the application.

Councillor JW Hope felt that the objectors had grossly overstated their cause and that their complaints appeared to be based on supposition and opinion rather than facts based on hard evidence. Councillor JE Pemberton felt that the scheme needed to be considered in relation to the benefits that could be provided for energy production rather than its local impact. She congratulated the Officers for their informative presentation. Councillor G Lucas said that he too had carefully read the report and all the letters of objection and that on balance he was in favour of the scheme. Councillor GHR Goodwin was of the view that the application location was a subjective matter. He suggested that nuclear fusion would be the only realistic solution to the worlds energy needs in the future and that wind turbines were a relatively short-term solution. Councillor PJ Watts was of the view that wind turbines could be advantageous in the right numbers and locations but did not feel that this was the right location. He felt that preservation of the important historic landscape

for future generations far outweighed the relatively limited amount of energy that would be produced by the scheme.

Councillor PGH Cutter was concerned at the environmental issues involved but did not feel that there would be a strong visual impact arising from the scheme and was in favour of it. Councillor H Davies was of the view that the scheme would severely detract from the natural beauty of the landscape and also felt that the visual amenity of local residents would be impaired and tourism adversely affected. Councillor JD Woodward was of the view that the electricity generation figures were likely to be lower than those suggested and doubted whether there would be sufficient benefits to outweigh the adverse effect on neighbouring properties and the historic landscape. Councillor RV Stockton said that there had been a number of views expressed and that it was a matter of judgement about the scheme. Taking into consideration all the issues he was concerned at the adverse impact the turbines would have on the landscape, the visual amenity of the surrounding uplands and the problems caused for those living nearby. The assets of rural Herefordshire needed to be protected. Councillor ACR Chappell said that although the impact on the landscape and local people was a major factor, action was needed to protect the wider environment and alleviate the impact of global warming through accepting renewable energy schemes such as this.

Having carefully considered all the issues and the representations that had been made regarding the application, the Committee decided that it was in favour of it. It was noted that it could not grant permission outright until the Secretary of State had indicated whether she wished to call in the application and determine it herself. It was of the view however that if the Secretary of State did not call the application in, the Head of Planning Services should be authorised to approve it, subject to the conditions he felt to be appropriate arising from the points raised by the Committee and the additional information that had been received.

#### **RESOLVED**

**That the Committee is mindful to approve the application, provided that the Secretary of State does not call the application in. If the Secretary of State does not call the application in, authority be delegated to the Head of Planning and Transportation to approve the application subject to;**

**(A) the Legal Practice Manager being authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 as set out in the draft Heads of Terms attached to the report of the Head of Planning and Transportation; and a Deed of Covenant for the purposes as set out in the Environment Statement with regards to the Community Fund;**

**(B) the following conditions and any further conditions considered necessary by the Head of Planning and Transportation:**

- 1. The development hereby permitted shall begin not later than three years from the date of the Planning Committee Decision.**

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

- 2. The operational period of the permission shall expire 25 years after the first generation of electricity to the National Grid of which the Local Planning Authority will be informed in writing of the first generation of electricity to the National Grid. All the above ground elements of the development plus 1 metre of the turbine bases below ground level shall**

be removed from the site and the land shall be reinstated in accordance with a scheme to be approved in writing by the local planning authority. The scheme for reinstatement shall be submitted for the approval of the local planning authority not later than 24 years from the date of the first generation of electricity to the National Grid.

**Reason:** In order to protect the amenity of the surrounding area once the site has ceased producing electricity and to comply with policy LA2 of the Herefordshire Unitary Development Plan.

3. Notice of the date of commencement of the development shall be given in writing to the local planning authority before any works commence on the site.

**Reason:** In order to comply with condition 2 and to comply with Policy LA2 of the Herefordshire Unitary Development Plan.

4. Before the development is commenced a scheme to alleviate incidence of any shadow flicker effect shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of the photocells and any other measure proposed to remove any such effect. The scheme shall be implemented as approved.

**Reason:** To protect the amenity of the surrounding area and to comply with Policy S11 of the Herefordshire Unitary Development Plan.

5. Before the development is commenced a scheme to secure the investigation and alleviation of any interference to any form of electromagnetic transmission which may be caused by the operation of the wind turbines shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved.

**Reason:** To protect the amenity of the surrounding area and to comply with Policy S11 of the Herefordshire Unitary Development Plan.

6. The wind turbines shall not be erected until details of the colour and finish of the nacelle, blades and supporting tower have been submitted to and approved in writing by the local planning authority. The colour and finish shall be implemented as approved.

**Reason:** In order to protect the amenity of the surrounding area and to comply with Policy DR1 of the Herefordshire Unitary Development Plan.

7. All the turbine blades shall rotate in the same direction. They shall be located in the positions shown on the plans submitted for approval unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of the visual amenity of the surrounding area and to comply with Policies DR1 and DR4 of the Herefordshire Unitary Development Plan.

8. If a wind turbine fails to produce electricity for supply to the grid for a continuous period of 12 months all of its above ground elements shall be removed from the site at the request of the local planning authority within a period of six months from the end of the 12-month period. Within the ensuing 12 months the land shall be reinstated in

accordance with a scheme that has been submitted to and approved in writing by the local planning authority. The scheme shall be submitted within two months of a request by the local planning authority under this condition.

**Reason:** In order to protect the amenity of the surrounding areas and to comply with Policies DR4 and CF4 of the Herefordshire Unitary Development Plan.

9. No part of the development shall be externally lit without the written consent of the local planning authority.

**Reason:** To protect the amenity of the surrounding area and to comply with Policies DR4 of the Herefordshire Unitary Development Plan.

10. The level of noise emitted by the combined effect of the wind turbines when measured as prescribed in these conditions shall be demonstrated within 21 days at the request of the Local Planning Authority upon receipt of a written complaint of noise disturbance by a local resident.

**Reason:** To safeguard the amenity of the area in compliance with Policy DR13 of the Herefordshire Unitary Development Plan.

11. The level of noise from the wind turbines (inclusive of background noise) shall be measured at the dwelling of any person lodging a written complaint about noise disturbance, using an LA90 index over a minimum of 20 periods, each of a minimum of 10 minutes duration. These measurements shall be made between wind speeds specified by the Planning Authority and made in consecutive 10minute periods, provided that they fall within the specified wind speed range. Wind speed means speeds measured by the on-site anemometer.

**Reason:** To safeguard the amenity of the area in compliance with Policy DR13 of the Herefordshire Unitary Development Plan.

12. The measurements undertaken in conditions 10 and 11 shall be undertaken using a sound level meter of at least type 1 quality, incorporating a windshield and in free field conditions. The measurements should be made between 1.2 – 1.5 metres above the ground and at least 10 metres from any wall, hedge or reflective surface, the meter shall be set to a fast weighted response.

**Reason:** To safeguard the amenity of the area in compliance with Policy DR13 of the Herefordshire Unitary Development Plan.

13. The level of the noise emitted by the combined effect of the wind turbines, when measured in accordance with recommended conditions 10, 11 and 12 shall not at any time exceed 38dB(A) expressed as L90 10 minutes at wind speeds not exceeding 8 metres per second measured at a height of 10 metres above ground level at all houses existing at the time the wind farm was first commissioned.

**Reason:** To safeguard the amenity of the area in compliance with Policy DR13 of the Herefordshire Unitary Development Plan.

14. Compliance with the limits specified in condition 13 shall be determined by correlating measurements taken with wind speed as measured by the on-site anemometer. The LA90 10-minute noise level from the combined effects of the wind turbines (inclusive of background noise) shall be derived by a best-fit curve.

Reason: To safeguard the amenity of the area in compliance with Policy DR13 of the Herefordshire Unitary Development Plan.

15. At the request of the Local Planning Authority the developer and/ or site operator shall carry out measurements to determine whether the turbines exhibit any tonality. Tonality measurements being taken at the same time as broadband measurements for determining overall noise levels. Such an assessment shall be undertaken in accordance with the DTI report *'The Assessment and rating of Noise from Wind Farms'* (1996).

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

16. If the assessment in condition 15 reveals that tonal noise from the combined effect of the wind turbines exceeds the threshold of audibility by more than 6.5 dB, a penalty of 5dB shall be added to the noise level derived in recommended condition 11 and 12 for comparison with the 38dB (A) level specified in recommended condition 13. If the tonal noise exceeds the threshold of audibility by more than 2dB but less than 6.5dB, a penalty of 5/6.5 x audibility shall be added to the noise level.

Reason: To safeguard the amenity of the area in compliance with Policy DR13 of the Herefordshire Unitary Development Plan.

17. No turbines shall be erected on site until details and engineering specifications of the precise make, model and type of turbine have been agreed in writing with the Local Planning Authority.

Reason: In order to protect the amenity of the surrounding area and to comply with Policy DR13 of the Herefordshire Unitary Development Plan.

18. A noise management scheme shall be submitted and agreed in writing with the Local Planning Authority prior to commencement of use of the turbines. The monitoring and management of low frequency noise, blade swish, amplitude modulation, mechanical defect noise, tonal noise, infrasound, vibration, day and night-time noise levels should be included in the scheme. The scheme shall be in use for 2 years from the date of agreement. A new scheme should be agreed every two years by the Local Planning Authority, prior to the expiry of the previous scheme.

Reason: To safeguard the amenity of the area in compliance with Policy DR13 of the Herefordshire Unitary Development Plan.

19. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the

capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

**Reason:** To prevent pollution of the water environment and to comply with Policy DR4 of the Herefordshire Unitary Development Plan.

20. All foul drainage (from the temporary works construction phase) shall be contained within a sealed and watertight cesspool, fitted with a level warning device to indicate when the tank needs emptying.

**Reason:** To prevent pollution of the water environment and to comply with Policy DR4 of the Herefordshire Unitary Development Plan.

21. A monitoring scheme for all natural water supplies and watercourses within the application site shall be submitted to and approved by the Local Planning Authority. The scheme shall include frequency and location of monitoring and nature of sampling. There after monitoring shall be carried out and reviewed in accordance with the approved scheme. If the monitoring scheme approved shows in the opinion of the Local planning Authority, any adverse risk of deterioration to springs then proposals:

- i. to investigate the cause of deterioration
- ii. to remediate any such risks
- iii. to monitor and amend any failures of the remediation undertaken; shall be submitted to the Local Planning Authority for their approval

**Reason:** In order to protect natural water supplies and to comply with Policy DR6 of the Herefordshire Unitary Development Plan.

22. Prior to any development on site a detailed plan will be submitted to and approved by the Local Planning Authority of an integrated surface water and ground water management plan. This will include details of associated drainage and sediment control.

**Reason:** To prevent impact on the groundwater environment and to comply with Policy DR4 of the Herefordshire Unitary Development Plan.

23. There shall be no excavations, during the excavation of borrow pits, below the water table and prior to any development on site details will be submitted to the Local Planning Authority and approved in writing of hydrological and hydro geological surveys in relationship to the Borrow Pits.

**Reason:** To prevent impact on the groundwater environment and to comply with Policy DR4 of the Herefordshire Unitary Development Plan.

24. An appropriately qualified and experienced ecological clerk of works will be appointed (or consultant engaged in that capacity) to oversee the ecological monitoring, mitigation and enhancement work.

**Reason:** To ensure great crested newts and all species of bats are protected under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) and policies NC1, NC5, NC6 and NC7 within Herefordshire Council's UDP.

To ensure the law is not breached with regard to nesting birds which are protected under the Wildlife and Countryside Act 1981 (and amendments) and policies NC1, NC5, NC6 and NC7 within the UDP.

To conserve and enhance biodiversity and comply with UDP Policies NC1, NC6, NC7, NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of PPS9 Biodiversity and Geological Conservation and the NERC Act 2006.

25. Prior to development works, full working method statements and mitigation strategies for protected and/or notable species (including bats, birds and great crested newts) based upon the recommendations in the Environmental Statement (May 2008) and the Supplementary Environmental Report (Oct 08) shall be submitted to the Local Planning Authority for written approval in consultation with Natural England. These shall be implemented as approved.

**Reason:** To ensure great crested newts and all species of bats are protected under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) and policies NC1, NC5, NC6 and NC7 within Herefordshire Council's UDP.

To ensure the law is not breached with regard to nesting birds which are protected under the Wildlife and Countryside Act 1981 (and amendments) and policies NC1, NC5, NC6 and NC7 within the UDP.

To conserve and enhance biodiversity and comply with UDP Policies NC1, NC6, NC7, NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of PPS9 Biodiversity and Geological Conservation and the NERC Act 2006.

26. Prior to development works, schemes for independent, long-term monitoring of the impact of the wind turbines upon protected and/or notable species (including bats, birds and great crested newts) shall be submitted to the Local Planning Authority for written approval in consultation with Natural England. The monitoring schemes must detail thresholds for injury and mortality and if these thresholds are exceeded and are shown to have a significant effect upon species populations, the wind turbine(s) must be decommissioned immediately until appropriate further mitigation is put into place. The monitoring schemes shall be implemented as approved and the results submitted annually to the local Planning Authority, Natural England and the RSPB.

**Reason:** To ensure great crested newts and all species of bats are protected under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended)

and policies NC1, NC5, NC6 and NC7 within Herefordshire Council's UDP.

To ensure the law is not breached with regard to nesting birds which are protected under the Wildlife and Countryside Act 1981 (and amendments) and policies NC1, NC5, NC6 and NC7 within the UDP.

To conserve and enhance biodiversity and comply with UDP Policies NC1, NC6, NC7, NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of PPS9 Biodiversity and Geological Conservation and the NERC Act 2006.

27. Prior to development works, a full habitat enhancement and management scheme based upon the recommendations in the Environmental Statement (May 2008) and the Supplementary Environmental Report (Oct 08) shall be submitted to the Local Planning Authority for written approval. This shall be implemented as approved and maintained thereafter unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure great crested newts and all species of bats are protected under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) and policies NC1, NC5, NC6 and NC7 within Herefordshire Council's UDP.

To ensure the law is not breached with regard to nesting birds which are protected under the Wildlife and Countryside Act 1981 (and amendments) and policies NC1, NC5, NC6 and NC7 within the UDP.

To conserve and enhance biodiversity and comply with UDP Policies NC1, NC6, NC7, NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of PPS9 Biodiversity and Geological Conservation and the NERC Act 2006.

28. H03 - Visibility splays

Reason: In the interests of highway safety and to conform to the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

29. H05 - Access gates

Reason: In the interests of highway safety and to conform to the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

30. H06 - Vehicular access construction

Reason: In the interests of highway safety and to conform to the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

31. H13 - Access, turning area and parking

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



**32. H21 - Wheel washing**

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

**33. H27 - Parking for site operatives**

**Reason:** To prevent indiscriminate parking in the interests of highway safety -and to conform to the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

**34. H30 - Travel plans**

**Reason:** In order to ensure that the development is carried out in combination with a scheme aimed at promoting the use of a range of sustainable transport initiatives and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

**35. No development shall commence until a suitable alternative access to Llanshay Lane avoiding the existing junction with the A4113 public highway has been provided in accordance with Powys County Council highway requirements.**

**Reason:** It is considered that the existing junction arrangement is unsuitable for the large vehicles likely to be required to service the site.

**Informatives**

- 1. N15 - Reason(s) for the Grant of Planning Permission**
- 2. N19 - Avoidance of doubt - Approved Plans**
- 3. HN01 - Mud on highway**
- 4. HN04 - Private apparatus within highway**
- 5. HN05 - Works within the highway**
- 6. HN07 - Section 278 Agreement**
- 7. HN10 - No drainage to discharge to highway**
- 8. HN24 - Drainage other than via highway system**
- 9. HN25 - Travel plans**
- 10. HN28 - Highways Design Guide and Specification**
- 11. The applicants or successors in title are reminded to advise Defence Estates, DE Operators North, Safeguarding Wind Energy, Kingston Road, Sutton Coldfield, B75 7RL, tel: 0121 311 3714 of the date when construction starts in order for the turbines to be plotted on flying charts.**

**87. DATES OF FORTHCOMING MEETINGS**

**13/03/09;** 03/04/09; and 15/05/09

The meeting ended at 12.50 pm

**CHAIRMAN**

**MINUTES of the meeting of Planning Committee held at  
The Council Chamber, Brockington, 35 Hafod Road,  
Hereford on Friday 20 February 2009 at 10.00 am**

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

**Councillors:** PGH Cutter, GFM Dawe, MJ Fishley, DW Greenow,  
JW Hope MBE, B Hunt, G Lucas, PM Morgan, JE Pemberton, AP Taylor,  
DC Taylor, WJ Walling, PJ Watts and JD Woodward

**In attendance:** Councillors RH Smith

**88. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors ACR Chappell, H Davies, KS Guthrie, RI Matthews and RV Stockton.

**89. NAMED SUBSTITUTES (IF ANY)**

Councillor J Fishley was appointed named substitute for Councillor KS Guthrie.

**90. DECLARATIONS OF INTEREST**

There were no declarations of interest made at the meeting.

**91. CHAIRMAN'S ANNOUNCEMENTS**

**Reeves Hill Wind Turbine Planning Application**

The Head of Planning and Transportation said that following the special meeting on 12th February, details about the application and the views of Members had been forwarded to the Government Office for the West Midlands, which would decide during the next few days whether or not to call in the application for determination. He explained the process involved if the application was called in which was likely to result in the outcome not being known for some six to nine months. If it was decided not to call the application in, the process was likely to take approximately two months to put the necessary details in place for the Section 106 Planning Obligation, further consultation and refinement of the issues that had been raised, such as noise issues and any appropriate attenuation measures required.

**ISO9001**

The Head of Planning and Transportation said that the Service had been recently reassessed and had continued to meet the ISO9001 standard for training and service delivery. The Committee expressed their appreciation for the hard work of the Officers on enabling the Council to continue to meet the required standards.

**92. NORTHERN AREA PLANNING SUB-COMMITTEE**

**RESOLVED:** That the report of the meeting held on 14th January, 2009 be received and noted.

**93. CENTRAL AREA PLANNING SUB-COMMITTEE**

**RESOLVED:** That the report of the meetings held on 7th January and 4th February, 2009 be received and noted.

**94. SOUTHERN AREA PLANNING SUB-COMMITTEE**

**RESOLVED:** That the report of the meeting held on 21st January, 2009 be received and noted.

**95. DCSE2008/3035/L - PROPOSED ALTERATION OF AN EXISTING DOORWAY INTO A WINDOW AND THE REGULARISATION OF THE REMOVAL OF 2 NO. DEFECTIVE CHIMNEYS AND THE CONSTRUCTION OF 1 NO. CHIMNEY AT PORTLAND HOUSE, WHITCHURCH, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6DB**

The Southern Team Leader presented the report of the Head of Planning and Transportation for the alteration of a door to a sash window on the rear elevation, together with retrospective consent for the demolition of 2 defective chimneys and construction of a chimney on the north elevation. He advised that the removal of the defective chimneys had been undertaken with the authorisation of the Council's Conservation Manager in view of concerns that had been raised about the weather damage which they had suffered during recent storms. The Committee agreed with his recommendation that the application should be approved.

**RESOLVED**

**That Listed Building Consent be granted subject to the following condition:**

**1. D01 (Time limit for commencement (Listed Building Consent)).**

**Reason: Required to be imposed by Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.**

**Informatives:****1. N19 - Avoidance of doubt - Approved Plans.****2. N15 - Reason(s) for the Grant of PP/LBC/CAC.****96. DCSW2008/2735/F - THE ERECTION OF A WIND TURBINE INSTALLATION AND THE MOUNTING OF EIGHT P.V. ARRAY PANELS ON THE SCHOOL. GARWAY PRIMARY SCHOOL, GARWAY, HEREFORDSHIRE, HR2 8RQ**

The Senior Planning Officer presented the report of the Head of Planning and Transportation about an application for the erection of a WT6000 6kw wind turbine on the north-western corner of the school grounds. She advised that the blades would be mounted on a 15m high-galvanised steel tower with the three matt black blades forming a 5.5m swept area (maximum height 20.5m). A 1.8m high mesh fence with access gate would be erected at the base of the tower and 8 photovoltaic arrays each measuring 1.57 x 0.8m would be mounted on the roof of the school building. He said that a letter and supporting powerpoint presentation had been received from Garway Primary School providing the following information:

"Garway primary school is one of only a handful of schools in Herefordshire to have achieved their 2nd Green flag award. We have a very dynamic "pupil-led"

eco committee and “green” culture and the children are encouraged to grow their own vegetables (using their own worm compost); to recycle paper, foil and cans and to conserve water through the use of home-made water hippos. They have even made their own animal homes to increase the bio-diversity in the school grounds.

During the summer term of 2008, year 6 pupils undertook an audit of energy use within school. Their findings enabled them to identify the school’s carbon footprint and they were horrified to discover that every kilowatt hour of electrical energy used at school produced 1 kg of carbon dioxide, enough to fill a balloon 1 metre in diameter!

The children then looked into the various sustainable energy options available and identified a wind turbine and solar panels as the most viable technologies for our school. This research coincided with the launch of two capital grant schemes:

- the Community Sustainable Energy Programme (CSEP); and
- Phase 2 of the Low Carbon Buildings Programme.

After submitting two business cases we received confirmation in June 2008 that our applications for 100% funding under these two schemes had been successful. The proposed renewable energies will reduce our electricity costs by 50%.

Throughout the entire process we have kept parents and local residents informed of our progress via:-

- articles in the local parish magazine;
- an open afternoon at school during Grounds week in May 2008;
- a powerpoint presentation to governors and parish councillors delivered by the children themselves on Monday 14 July; and also
- letters delivered to 70 of our immediate neighbours (on 16 September) to allay any fears they may harbour with regard to noise pollution

Our application was then approved by Garway parish council on 1 December.

In summary, we feel that as the problems of climate change and dwindling fossil energy resources are becoming more and more apparent, it is important that our children understand the need:-

- to reduce energy costs;
- to understand how their behaviour effects carbon emissions;
- that climate change can be tackled in the first instance by installing these renewable energy technologies in community buildings such as ours.

Equally important, these technologies will increase environmental awareness and provide our children with huge cross-curriculum opportunities. Indeed data from the turbine and solar panels will be continuously displayed in the school foyer and will be downloaded into the school’s computer network for the children to analyse.

We are aware that a small minority of local residents have objected to our planning application BUT we have also received a great deal of support from neighbours and other interested schools and colleges within the UK. We feel passionately that this is such a golden opportunity for our children - the first truly “green generation”.

The Senior Planning Officer said that comments had not been received from the

Environmental Health Manager but that the limited level of noise that would arise from the turbine was set out in paragraph 6.10 of the report. The Rights of Way manager had raised no objection to the application in relation to the adjoining public footpath. The Senior Planning Officer was of the view that no changes to the recommendation were necessary following the receipt of the additional information.

In accordance with the criteria for public speaking, Mr Keenan a local resident spoke in favour of the application. He said that although his property was closest to the installation he fully supported the initiative for the creation of renewable energy for the school and did not feel that there would be any noise nuisance arising from the turbine. Councillor RH Smith the Local Ward Member gave his full support to the proposal and commended the initiative of the school in pursuing the scheme. The Committee shared the views which had been put forward in support of the application and decided that it should be approved.

**RESOLVED**

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

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

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

**INFORMATIVES:**

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

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

**97. DATE OF NEXT MEETING**

13th March, 2009

The meeting ended at 10.30 am

**CHAIRMAN**

**MINUTES of the meeting of Planning Committee held at  
The Shirehall, St Peter's Square, Hereford on Friday 13  
March 2009 at 10.00 am**

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

**Councillors:** PA Andrews, PGH Cutter, H Davies, GFM Dawe,  
JHR Goodwin, KS Guthrie, JW Hope MBE, B Hunt, P Jones CBE,  
G Lucas, RI Matthews, JE Pemberton, RH Smith, AP Taylor, PJ Watts  
and JD Woodward

**98. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors ACR Chappell, DW Greenow, DC Taylor and WJ Walling.

**99. NAMED SUBSTITUTES (IF ANY)**

The following named substitutes were appointed;-

<b>MEMBER</b>	<b>SUBSTITUTE</b>
WJ Walling	PA Andrews
DW Greenow	RH Smith
KS Guthrie	JHR Goodwin
PM Morgan	Brig P Jones CBE
DC Taylor	JB Williams

**100. DECLARATIONS OF INTEREST**

Councillor KS Guthrie declared a prejudicial interest in Agenda Item No 5, Minute No 102.

**101. CHAIRMAN'S ANNOUNCEMENTS**

There were no announcements from the Chairman.

**102. DCCW2008/1832/N - CONSTRUCTION AND OPERATION OF AN OPEN  
WINDROW GREENWASTE COMPOSTING FACILITY: OFFICE/WELFARE  
FACILITY, STORAGE BUILDING, WEIGHBRIDGE, HARDSTANDING PROCESS  
AREA, CAR PARKING, ANCILLARY INFRASTRUCTURE AND LANDSCAPING  
AT UPPER HOUSE FARM, MORETON-ON-LUGG, HEREFORD,  
HEREFORDSHIRE, HR4 8AH**

The Head of Planning and Transportation advised the Committee that the application needed to be considered in relation to national, regional and local policy background and he outlined what these were. He said that there were a number of complicated and technical issues regarding the scheme which had led to a lengthy consultation process with the statutory consultees, professional bodies and interested parties. The application had led to a considerable amount of public interest in the proposal

and the special meeting had therefore been arranged. Public speaking time had also been increased from three minutes to ten minutes per slot to reflect the fact that it was being treated as a major application. The Committee had undertaken a site inspection to the application site and also visited an operational site near Pershore. He advised that the Committee needed to carefully consider the policy issues and material considerations and give appropriate weight to the various factors involved with the application. If the Committee decided to grant permission the proposal would require an Environmental Permit from the Environment Agency and this could only be granted if the site was capable of complying with a number of stringent regulations.

The Principal Planning Officer (Minerals and Waste) presented the report of the Head of Planning and Transportation and highlighted some of the key issues relating to the application which included:-

- the proposal was for an open windrow composting facility exclusively for treating garden cuttings, no treatment of any other waste types was proposed as part of this application;
- the applicant had investigated some twenty-one other sites but this was the first site that the applicant had deemed suitable and available;
- a full Environmental Statement was not required but the application included full and comprehensive environmental assessments. As previously indicated, the requirements of the Environment Agency would need to be met before the scheme became operational and if it did, it would be the subject of careful monitoring by the Environment Agency;
- Herefordshire generated some 7,000 tonnes of green waste per year and this was estimated to grow to around 12,000 tonnes per year by 2027, the application proposed utilising spare capacity by initially supplementing Herefordshire's garden waste from Worcestershire if and when necessary;
- vehicular access would be from the A49 (T) along a recently constructed track linked to a permitted sand and gravel extraction site on adjoining land at St. Donats Farm, the access also provided the sole access to Upper House Farm and associated poultry units;
- the parish boundary between Burghill and Moreton crossed the site at the point where the proposed access road would enter the development site;
- the sealed wastewater lagoon would have capacity to account for a 1:1000-year extreme event plus climate change and this was welcomed by the Environment Agency;
- the hardstanding process area would be raised and kerbed to ensure adequate drainage to the lagoon;
- the stockpiles and windrows would be up to 3 metres high, with landscaped earth bunding providing some screening;
- the size and height of the storage building would be restricted and would be painted green in order to reduce visual impact;
- it was recognised that traffic and environmental considerations remained the key concerns for objectors;
- the daily trip generation was predicted at up to 14 in and 14 out, with fewer off-peak, and a table in the report which demonstrated the road miles saving when compared to delivery to the current facility at Hill & Moor, near Pershore;
- the Highways Agency had been consulted three times about the application and had not raised any objections or recommended any conditions. The Transport



Manager had no objections either;

- Attention was drawn to the environmental considerations detailed in the report and the Sub-Committee was reminded that the planning system had a key role in determining suitable locations for development but should not try to duplicate controls properly exercised by other bodies under other legislation;
- Herefordshire Primary Care Trust had been consulted In response to objectors' fears about potential health risks and no concerns or objections had been raised by it; and
- It was noted that 26 conditions were recommended and, in particular, attention was drawn to conditions: 8, requiring a scheme for the monitoring and control of dust and litter; 14, restricting the use of the site for agricultural purposes or the composting of green garden cuttings only; 16, limiting the amount of green garden waste to 12,000 tonnes per annum; 17, limiting the height of stockpiles, windrows or other stores of waste to no more than 3.5 metres high; and 22, restricting hours of working and of delivery vehicles.

The Principal Planning Officer (Minerals and Waste) added that if planning permission was granted, there would be an extensive number of conditions to cover all the areas of concern which had been raised. The Central Team Leader provided the following summary of updates and additional representations which had been received since the publication of the agenda:

#### **Corrections to the report**

Paragraph 4.1: 'about 500m of which has been completed' should read approximately 320m.

Paragraph 5.11: last bullet point should continue with 'The application needs to demonstrate compliance with UDP policy W1.'

#### **Additional representations**

An e-mail has been received from A. Spong – Moreton Action Group.

This raises a number of detailed comments with regard to the Report. The points are detailed below using the page/paragraph references with the Officer response following in *Italics*.

##### P2. 2.2.

The site description/proposal states that the permission is for the 'bring sites' currently located in Hereford, Leominster, Bromyard, Ledbury and Ross-on-Wye.

This is misleading as the application states that waste will be 'predominantly' from Herefordshire and there are plans to import waste from Worcestershire.

*Response: The application as originally made referred to the bring sites. On further investigation later, the applicant clarified that they may wish to import some additional material in the early years. A condition is proposed to limit capacity at the site to the 12,000 tonnes p a applied for. The applicant reports that currently about 7,000 tonnes p a is generated in Herefordshire.*

##### P2. 2.2

Quoted hard standing area is 0.6 hectare whilst application states 1 hectare.

*Response: According to the plans the actual concrete hardstanding would be about 0.6 ha. The operational area would be about 1 ha. The gross overall site area would be about 2 ha altogether.*

P2. 2.3

There is no recently constructed track to the proposed site

*Response: The report does not say so.*

P5 4.1

"500m of which has been completed"

Incorrect. 200m have been completed.

It also needs to be made clear that there are 500m of track needing to be built to HGV standards.

*Response: The first point is correct, this is an error.*

P5. 5.1B

There is an incorrect and misleading link between the Odour Assessment and the Environment Agency 250m recommendation for fungal spores.

*Response: Disagree. Section 5.1b reports the EA's 2nd consultation response (on the Odour Assessment); the comments are not the Council's. The EA's letter refers directly to the 250m buffer zone in relation to the submitted Odour Assessment.*

P8 5.11

The forward Planning Manger's concluding statement has been omitted.

"The application needs to demonstrate compliance with UDP Policy W1."

*Response: This final sentence appeared in the earlier report but has dropped out of the text inadvertently during processing. However, policy W1 is dealt with in full elsewhere in the report (7.16)*

P18. 5.11 ? THIS APPEARS TO REFER TO POINT 6.12 ON P. 9?

It is the duty of the Case Officer to address ALL reasonable objectors issues. Not as stated the "most common".

*Response: Forty points are reported; all the relevant issues raised have been mentioned.*

The following objectors issues have not been addressed:

The bad management record of the applicant coupled with the Environment Agency "Position Statement" warning of the effects of bad management. A copy of the "Position Statement" was sent to you as "documentary evidence".

*Response: This is not part of the application; the alleged 'bad management' is not supported by any evidence and is not relevant to the case. The EA have never suggested that this applicant is sub-standard*

The known high fire risk of composting operations and the high fire risk of standing crops. The subsequent danger to the campsite and village.

*Response: The EA have confirmed that issues of fire risk and prevention would be included in the Environmental Permit, which would not be granted unless they were satisfied. The EA would be the regulator, not planning.*

The absurdly low level of rejects claimed by the applicants when the national average is 5%. Consequently, sufficient storage skips for recycling are not allocated. Traffic movements will also be increased.

*Response: This would be for the applicant's operational methods. They have said that at this site normal practice would be to re-compost any oversized material to reduce rejects. They explained that at other sites this may not be possible due to lack of capacity. There is no suggestion that any additional traffic would be generated.*

Concern about the building standard of the all important concrete base. No building standards are given in the application.

*Response: This does not fall under planning control. The specification would be set to Environment Agency standards.*

The application does not comply with the proximity principle

*Response: Disagree. The proximity principle is concerned with proximity to the 'main source'. It figures in the concept of BPEO, but this has now been dropped by national policy and therefore carries little weight, due to the strategic practicalities of waste treatment generally. The site lies between Hereford and Leominster - according to the applicant these are the main generators of garden waste. The site is considerably closer to these sources than Hill & Moor, Dymock or Abergavenny..*

#### P19 7.21

This table is inaccurate, as it does not include planned waste import from Worcester.

*Response: Disagree. The table clearly explains that it relates to the applicant's recorded mileage for 2007, not projections for the future.*

#### P19 7.22

The residents of Moreton-on-Lugg remember a fatal Motor Cycle accident very close to the new entrance to Upper House Farm about two to three years ago. There were flowers at the scene for several weeks.

*Response: The figures were obtained from the Traffic Manager's records.*

#### P20 7.25

"elevated position at St. Donats Farm almost 1km away"  
Incorrect. Distance is 600m.

*Response: 600m would be an absolute minimum, as measured from the easternmost edge of the St Donats garden to the westernmost edge of the site boundary. There are several buildings at St Donats. Measured from the operational area where the windrows would be, to the general area of the farmhouse, is about 880m.*

#### P35 APPENDIX TABLE B

Ref 8. Land at former sewage works.

It is incorrect to say that this site is not commercially available. The owners are now actively looking for a use for this degraded land. (Brown field site) At present there is also poor access (the need to construct 500m of road) to the proposed site at Upper House Farm.

*Response: It would be for the applicant to say what is or is not commercially available, and this would be commercially confidential in any case. The details in the appendix are from the applicant, not the Council. The access onto the A49 at Moreton has been completed to Highways Agency specification. This may not be the case at Roman Road.*

With reference to the proposed quarry at St. Donats farm.

A conversation with a representative of Tarmac indicates that the quarry will not go ahead. Tarmac have at present 50% over capacity.

Therefore they have no requirement for additional facilities. In view of this it would be misleading to indicate to Councillors that the quarry will proceed. I would of course expect you to make your own enquiries on this issue to ensure that you do not mislead Councillors.

*Response: The report states that there is an existing planning permission for the quarry. It is not known if Tarmac have, or will have, total control of the site, or who might wish to implement the permission. If the quarry permission lapses it would be open to any interested party to make a fresh application. If the quarry did not proceed at this time, then traffic movements already taken into account and accepted by the HA would be much reduced.*

In accordance with the provisions of the Council's Constitution for a Member to speak after having declared a prejudicial interest, Councillor KS Guthrie, Local Member for the Sutton Walls Ward spoke against the application and then withdrew from the meeting for the duration of this item. She thanked the officers for their detailed analysis of the application and the help that they had given to Local Members. She said that her main areas of concern related to:

- the hazards arising from the volume and speed of traffic using the A49 (T), difficulties experienced at the access road junction and fact that no objections had been raised, or conditions recommended, by the Highways Agency or the Transportation Manager;
- the proposal would represent an industrial process in good quality agricultural land, open countryside and was unacceptable because of the likely impact on local amenity, the landscape and tourism. There was a need to protect, restore and enhance rural areas and suggested refusal of permission within the framework of policies E15 (Protection of Greenfield Land) and PPS7 (Sustainable Development in Rural Areas);
- the concerns of objectors that the temperature of compost heaps could reach over 80 degrees centigrade and this could represent a substantial fire risk;
- the loss of a site with archaeological value;
- particles from bio-aerosols could travel substantial distances and pose a risk to human health; and
- there would be greater advantage in locating the facility on 'brown-field land' nearer to other recycling facilities such as that located at Rotherwas.

In accordance with the criteria for public speaking, Mrs. Reynolds spoke on behalf of Burghill Parish Council and Mr. Gould spoke on behalf of Moreton-on-Lugg Parish Council. Both expressed their strong opposition to the application. Mr. James, Mrs. Floyd and Mr. Spong also spoke in objection to the application.

Councillor SJ Robertson, the Local Member for the Burghill, Holmer & Lyde Ward, expressed her thanks to the planning officers for their assistance provided throughout the planning application process. She was disappointed at the location for the proposed facility and the fact that only four of the twenty-two sites investigated by the applicants were brownfield ones. She felt that with improved technology and the availability of sealed units, the recycling plant at Rotherwas would be a much more sensible location for this type of operation with much less impact on the environment, archaeology, local residents, agricultural land and

highway safety. She felt that the potential loss of productive arable land was not acceptable and there was a duty on the Council to preserve it. She was surprised at the lack of objections from the Highways Agency given the history of accidents in the locality, the damage caused to rural lanes by heavy vehicles and the cumulative impact of pending residential, livestock market, park and ride, and other developments on the local road network. She questioned the applicants' assessment that views towards the site would be entirely or partially screened. Although the County Archaeologist considered that the scheme was acceptable, she was of the view that the site was of significant local importance and that it should be preserved. She added that the drainage arrangements could damage archaeological deposits. She felt that the application conflicted with a number of policies set out in the Herefordshire Unitary Development Plan

The Head of Planning and Transportation referred to the concerns raised by Mr Spong. He said that in his view there had been no breach of the Code of Conduct for Officers. The reports covered all the facts and included a balanced recommendation to the Committee. The recommendation in the report had come from a professional team and was shared by him and was also backed up by the responses from the professional agencies.

Councillor JD Woodward said that she had found the site visits to be very helpful. She found the process used at the Hill & Moor site to be the best solution for processing and selling composted material. She did not feel that the application site in the open countryside was suitable, especially if material was shipped to it from Worcestershire, composted then transported back to be bagged & sold. She was therefore opposed to the application. Councillor Dawe was surprised at the projected volume of composting and wondered if this could be dealt with by individual households. The Head of Planning and Transportation said that a certain amount of Garden material could be dealt with domestically but that bulky material such as hedge trimmings was more difficult to deal with and therefore went through the recycling process. Councillor RI Matthews noted the need for appropriate facilities but questioned whether this site was the best that could be identified during a ten-year search. He commented that a large proportion of the waste would come from areas south of the River Wye and suggested that a facility in that area would be better placed to take garden waste deliveries from Worcestershire. He also commented on the history of traffic accidents in the locality and considered that the Highways Agency's assessment did not properly reflect this.

Councillor RH Smith felt that the report adequately addressed all the objections raised and that the conditions would be adequate to cover all the issues, subject to the strengthening of condition 8 regarding the control of windblown litter and dust. Councillor RV Stockton felt that the access road and visibility splay was adequate for the proposed use but wondered if this would be the case should gravel extraction recommence. The Principal Planning Officer (Minerals and Waste) advised that the planning permission relating to the extraction of sand and gravel at St. Donats Farm had not yet commenced but was capable of being implemented. At present however there were no companies who had indicated their intention to implement the permission. She had specifically asked the Highways Agency about the impact of gravel extraction vehicle movements in addition to those arising from the composting facility and had been advised that it could see no problems arising from the cumulative vehicle movements on the A49.

Councillor B Hunt was of the view that the report gave a well-balanced view of the application and felt that during the debate all the concerns had been properly addressed and all the facts considered. He concurred with the view of councillor Smith that there needed to be adequate containment of any dust and material on the site and that it should be properly screened with suitable bunding and landscaping. The Principal Planning Officer (Minerals and Waste) advised that these matters were

covered within the conditions but that she would also take into account the comments made by the Committee. Councillor PGH Cutter was of the view that if the application was approved there would need to be careful monitoring of the facility to ensure that the operators fully complied with all the conditions. The Head of Planning and Transportation said that he would also take up the relevant issues with the Environment Agency to notify it of the concerns which had been raised.

Having considered all the facts and matters raised regarding the application, the Committee decided that it should be approved.

**RESOLVED:**

**That planning permission be granted subject to the following conditions and any further conditions considered necessary by Officers named in the Scheme of Delegation to Officers, including the issues raised by the Committee at the meeting regarding screening and landscaping:**

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

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

- 2. B01 (Development in accordance with the approved plans).**

**Reason. To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy DR1 of Herefordshire Unitary Development Plan.**

- 3. Unless otherwise agreed in writing in advance by the local planning authority, no groundworks, earthmoving or excavations shall take place other than strictly in accordance with those specified in the approved plans listed in condition 2 and the archaeological site investigation scheme required by condition 4 of this permission.**

**Reason: To ensure that all excavation works will ensure minimal archaeological disturbance on land which is archaeologically significant, in accordance with Policies ARCH1, ARCH2 and ARCH5 of the Herefordshire Unitary Development Plan 2007.**

**Pre-commencement requirements**

- 4. No development shall take place until the developer has secured the implementation of a programme of archaeological work to include a detailed design and method statement for all proposed excavation and ground works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. This programme shall be in accordance with a brief prepared by the County Archaeology Service.**

**Reason: To ensure the archaeological interest of the site is recorded and to comply with the requirements of Policies ARCH 1, ARCH5 and ARCH6 of Herefordshire Unitary Development Plan.**

- 5. G04 (Protection of trees/hedgerows that are to be retained).**

**Reason: To safeguard the amenity of the area and to ensure that the**

development conforms with Policies DR1 and LA5 of Herefordshire Unitary Development Plan.

6. C10 (Details of external finishes and cladding (industrial buildings)).  
Reason: To secure properly planned development and to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.

7. G09 (Details of Boundary treatments).

Reason: In the interests of visual amenity, to ensure the development has an acceptable standard of privacy and to conform to Policy DR1 of Herefordshire Unitary Development Plan.

8. No development shall take place until a detailed method statement for the assessment, monitoring and control of dust and windblown litter has been submitted to and approved in writing by the local planning authority. The scheme shall include in particular provision for:

- i) the erection of litter-proof fencing if and when necessary,
- ii) the use of specified dust suppression measures as and when necessary,
- iii) the regular review of the methodology for dust and litter control,
- iv) timescales for implementation of the scheme.

The scheme shall be implemented in accordance with the approved scheme unless otherwise approved in advance in writing by the local planning authority.

Reason: To ensure that in the event that litter and/or dust would affect either the site or the surrounding area it would be promptly and adequately controlled, in accordance with Policies S1, S2, S10 and DR4 of the Herefordshire Unitary Development Plan 2007.

9. No development shall take place until a scheme for the design and implementation of regular monitoring for the storage lagoon and rainwater storage tank has been submitted to and approved in writing by the local planning authority. The scheme shall include in particular:

- i) Design specifications for the proposed alarm system to alert site operatives that the lagoon and/or tank needs emptying,
- ii) The appointment of a named responsible person to monitor the lagoon and tank,
- iii) The frequency and detail of inspections including items to be monitored and method of reporting such as a Site Diary,
- iv) Provision for record keeping and availability for inspection on request by the local authority or Environment Agency,
- v) Contingencies for responding to alarms, emptying procedures and emergencies,
- vi) Provision for review of the procedures.

Reason: To prevent flood risk and/or pollution of the water environment, having particular regard to any possible effects on the River Lugg SSSI/SAC, to ensure compliance with Policies S1, DR4, NC1, NC2 and NC3 of the Herefordshire Unitary Development Plan 2007.

10. I33 (External lighting).

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

11. I01 (Scheme of noise attenuating measures).

Reason: To safeguard the amenity of the area in compliance with Policy DR13 of Herefordshire Unitary Development Plan.

12. No development shall take place until a revised Landscape Scheme has been submitted to and approved in writing by the local planning authority to take account of the revised layout and proposed lagoon. The scheme shall include in particular:

- i) A large scale revision of the submitted plan reference 403-01.02 dated July 2008, to include all planting and seeding proposals specifying species, sizes, densities and planting numbers. This should include screening proposals for the access road.
- ii) Specific proposals for wildlife habitat creation or enhancement through planting and landform and future management of these measures, in accordance with the submitted Ecological Survey dated 26/6/2008 and in consultation with the Council's Planning Ecologist.
- iii) Details of all proposed finished levels, contours and gradients for the final landform.
- iv) A large-scale revision of the submitted plan reference 403-01.04 dated July 2008 to reflect the drainage arrangements taking into account the revised layout and lagoon.
- v) Hard surfacing materials, including specifications and construction methods for the completion of the access road.
- vi) Details and specifications of ancillary equipment including bagger, diesel tank and weighbridge.
- vii) Details and specifications of the car parking layout and other vehicular and pedestrian areas, including construction methods and materials.
- viii) Location of proposed functional services above and below ground (e.g. drainage, power, communications, pipelines etc.).

Reason: In order to maintain the visual amenity of the area, ensure a satisfactory form of development and to ensure compliance with Policies S1, S2, DR1, LA5 and NC8 of the Herefordshire Unitary Development Plan 2007.

13. G11 (Landscaping scheme – implementation).

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

Restrictions

- 14. The site hereby permitted shall be used solely for agricultural purposes or the composting of green garden cuttings and for no other waste treatment by type or purpose including any other purposes in Class B2 of 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:** To restrict the use of the site to that proposed, in the interests of local amenity, because any other use would require further consideration by the local planning authority, and to comply with Policies S1, S2, S10 and DR1 of the Herefordshire Unitary Development Plan 2007.

15. **F14 (Removal of permitted development rights).**

**Reason:** To control further development at the site and ensure compliance with Policies S2 and DR1 of the Herefordshire Unitary Development Plan 2007.

16. Unless otherwise agreed in advance in writing by the local planning authority, no more than 12,000 tonnes of green garden waste per annum shall be brought to the site, and no such green garden waste shall be brought to the site other than that collected from Household Waste Sites under the control of the applicant or its successor. In this regard the applicant or its successor shall provide the local planning authority with such evidence as it reasonably requires in order to ensure compliance with this restriction.

**Reason:** To restrict the quantity and source of the waste to be treated and to comply with Policies S1, S2, S10 and DR1 of the Herefordshire Unitary Development Plan 2007.

17. Unless otherwise agreed in advance in writing by the local planning authority, no stockpiles, windrows or other stores of waste shall be more than 3.5 metres high.

**Reason:** To ensure a satisfactory form of development and in the interests of health and safety in accordance with Policies S1, S2 and DR1 of the Herefordshire Unitary Development Plan 2007.

18. All processes shall take place on an impermeable surface constructed in accordance with the approved plans, and all run-off from process areas shall be discharged to a lined storage lagoon, in accordance with the submitted amended plan numbers 5480/304 Rev P01, 5480/302 Rev P01 and 5480/30 Rev PO1, all dated Sept 08, sufficient to accommodate extreme rainfall events up to a 0.1% (1 in 1,000 year) capacity plus climate change, via a drainage channel and interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor or enter the lagoon and no waste water shall be permitted to discharge to ground or surface water.

**Reason:** To prevent pollution of the water environment in accordance with Policies S1, S2, S10, DR4 and DR6 of the Herefordshire Unitary Development Plan 2007.

19. The recommendations set out in the submitted Ecological Survey dated 26/6/2008 should be followed unless otherwise agreed in writing in advance by the local planning authority. An appropriate qualified Ecological Clerk of Works should 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

(Natural Habitats &c) Regulations 1994 (as amended), the requirements of PPS9 Biodiversity and Geological Conservation, the NERC Act 2006, and Policies NC1, NC5, NC6, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan 2007.

**20. G02 (Retention of trees and hedgerows).**

**Reason:** To safeguard the amenity of the area and to ensure that the development conforms with Policy DR1 of Herefordshire Unitary Development Plan.

**21. M13 (Pollution prevention).**

**Reason:** To prevent pollution of the water environment and to comply with Policy DR10 of Herefordshire Unitary Development Plan.

**22. The hours during which working and arrival/departure/loading/unloading of delivery vehicles may take place shall be restricted to 0800 to 1800 Mondays to Fridays and 0800 to 1300 on Saturdays. There shall be no such working on Sundays, Bank or Public Holidays.**

**Reason:** To safeguard the amenities of the locality and to comply with Policy DR2 of Herefordshire Unitary Development Plan.

**23. I16 (Restriction of hours during construction).**

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

**24. There shall be no wholesale or retail sales of any materials from the site, or general public access at the site.**

**Reason:** In the interests of highway safety, to safeguard the amenity of the area and to comply with Policies S1, S2, DR1 and T8 of the Herefordshire Unitary Development Plan 2007.

**25. No waste materials shall be transported in connection with this development unless they are contained within sealed vehicles.**

**Reason:** In the interests of highway safety, to safeguard the amenity of the area and to comply with Policies S1, S2, DR1, DR4 W3 and T8 of the Herefordshire Unitary Development Plan 2007.

**26. Unless otherwise agreed in writing by the local planning authority, within six months of the site permanently ceasing to be used for the composting of green garden waste, the applicant or its successor shall submit proposals for the restoration of the site to the local planning authority. The restoration scheme shall contain full details and a method statement for the works, including in particular:**

- i) Details of any structures or works that are to be retained and a reasoned justification for retaining them.**
- ii) The dismantling, removal and means of sustainable disposal or re-use to a named destination of all other introduced materials, hardstandings, buildings, tanks and equipment that are not specified for retention.**

- iii) Infilling of the lagoon if not required for future use, including the source of infill materials.
- iv) Re-profiling of all bunds and other earthworks if deemed necessary.
- v) Reclamation of the site to agriculture or nature conservation uses only.
- v) Timescales for implementation and completion of all elements of the approved restoration scheme.

The scheme shall be implemented as approved unless otherwise agreed in writing in advance by the local planning authority. If the local planning authority is not satisfied with the said proposals to make the site suitable for future beneficial use, the applicant or its successor will complete a restoration scheme in accordance with, and within a time period, as may be reasonably specified by the local planning authority.

Reason: To ensure the site is capable of future beneficial use, in accordance with Policies S1, S2 and W9 of the Herefordshire Unitary Development Plan 2007.

**Informatives:**

**1. Summary of Reasons for Approval of Planning Permission**

The decision to grant planning permission has been taken having regard to the provisions of the Development Plan: in particular Policy WD3 of the Regional Spatial Strategy; relevant policies of the Herefordshire Unitary Development Plan 2007 set out below; the Herefordshire & Worcestershire Joint Waste Management Strategy; relevant national Planning Policy Statements, especially PPS10 and PPS23; and the Waste Strategy 2007, - including for completeness the partly superseded principle of Best Practicable Environmental Option, which supports the proposal. In reaching this decision, the local planning authority was mindful of the particular circumstances of the case, namely the special siting requirements including the applicant's lengthy consideration of 21 alternatives since 1998, the fact that all operational process would be regulated by the Environment Agency through the Environmental Permit regime, the further enforcement powers of the local authority under the Environmental Protection Act 1990, the fact that all professional and statutory consultees have responded with either an unconditional 'no objection' or proposals for mitigation through planning conditions.

The numerous strong and sustained objections made by local residents have nevertheless been considered carefully, however these fears have not been supported by specific material evidence or the views of consultees. The local planning authority has concluded that the benefits of the proposal, in terms of meeting strategic waste management policy and requirements at reasonable cost and enabling Herefordshire to begin to take responsibility for the waste it generates, outweigh any potential adverse effects from traffic on the highway network.

The local planning authority has also concluded that on the basis of the submitted material and subsequent additional information, it is satisfied that the site would be designed and maintained to satisfactory environmental and management standards and would be regulated by other bodies. On this basis there would be no adverse environmental effects falling under the control of the local planning authority that would

justify refusal.

Relevant Policies considered in the Herefordshire Unitary Development Plan 2007:

S1	-	Sustainable Development
S2	-	Development Requirements
S6	-	Transport
S7	-	Natural and Historic Heritage
S10	-	Waste
DR1	-	Design
DR2	-	Land use and Activity
DR3	-	Movement
DR4	-	Environment
DR6	-	Water Resources
DR7	-	Flood Risk
DR9	-	Air Quality
DR11	-	Soil Quality
DR13	-	Noise
DR14	-	Lighting
E8	-	Design Standards for Employment Sites
E11	-	Employment in the Smaller Settlements and Open Countryside
E12	-	Farm Diversification
E15	-	Protection of Greenfield Land
T8	-	Road Hierarchy
T11	-	Parking Provision
LA2	-	Landscape Character
LA3	-	Settings of Settlements
LA5	-	Protection of Trees, Woodlands and Hedgerows
NC1	-	Biodiversity and Development
NC2	-	Sites of International Importance
NC3	-	Sites of National Importance
NC5	-	European and Nationally Protected Species
NC6	-	Biodiversity Action Plan Priority Habitats and Species
NC7	-	Compensation for Loss of Biodiversity
NC8	-	Habitat Creation, Restoration and Enhancement
NC9	-	Management of Features of the Landscape Important for Fauna and Flora
ARCH1	-	Archaeological Assessments and Field Evaluations
ARCH5	-	Sites of Lesser Regional or Local Importance
ARCH6	-	Recording of Archaeological Remains
W1	-	New Waste Management Facilities
W3	-	Waste Transport and Handling
W9	-	Reclamation, Aftercare and After-use

2. N19 - Avoidance of doubt - Approved Plans.
3. N11A - Wildlife and Countryside Act 1981 (as amended) – Birds.
4. ND03 - Contact Address.
5. HN01 - Mud on highway.
6. HN16 - Sky glow.

**103. DCCW2009/0059/CD - CONVERSION OF SCHOOL AND SCHOOL HOUSE INTO TWO RESIDENTIAL DWELLINGS. CONSTRUCTION OF THREE NEW DWELLINGS IN THE GROUNDS AT FORMER PRIMARY SCHOOL, SUTTON ST. NICHOLAS, HEREFORD, HEREFORDSHIRE, HR1 3AZ**

The Central Team Leader said that the application had been referred to the Committee because the application site involved Council owned property. He advised that the scheme was for the conversion of the existing redundant school buildings into a pair of semi-detached dwellings, comprising a 3-bedroom unit and a 2-bedroom unit. There would also be three new dwellings comprising a semi-detached pair of 3-bedroom cottages on the eastern side orientated to front onto the Bodenham Road and a detached 4 bedroom dwelling fronting onto the unclassified road. He said that a further letter had been received from Sutton St Nicholas Parish Council. This requested that some or all of the S106 funding should be directed towards the creation of a pavement between St Michael's Church and the crossroads in the centre of the village, which is a project identified as a priority by the community. He advised that the Heads of Terms set out in the report listed the various contributions which had been calculated in accordance with the S106 Supplementary Planning Document. It was proposed that some £8,600 would be allocated to highway/transportation work. The proposed pavement was likely to be a considerable project and some of the contribution could be directed towards this because it would fall within "localised highway improvements" and "safe routes to school" which were included within the Heads of Terms. He felt that due to the change in the levels between the site and the unclassified road, it would be appropriate to impose a further condition requiring details of the levels to be submitted and he suggested the addition of Standard Condition I51 – Details of slab levels.

Councillor KS Guthrie the Local Ward Member referred to the concerns raised by the local parish council about flooding to Bodenham road and the need to ensure that the new dwellings did not overlook those nearby. The Central Team Leader said that the Highways department had raised no objection to the proposal and that the properties would be screened at ground level by fencing. The windows had been orientated at first floor level not to overlook and there would be a condition preventing any new windows being installed in the gable ends.

The Head of Planning and Transportation congratulated the applicants on the quality of the scheme which would bring redundant buildings into use and include new dwellings which would be in keeping with the existing ones. The Committee decided that the application should be approved.

**RESOLVED**

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

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

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

**2. B07 (Section 106 Agreement).**

**Reason: In order to provide [enhanced sustainable transport infrastructure, educational facilities, improved play space, public art, waste recycling and affordable housing] in accordance with Policy DR5 of the Herefordshire Unitary Development Plan 2007.**

3. B01 (Development in accordance with the approved plans).

Reason. To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy DR1 of Herefordshire Unitary Development Plan.

4. C01 (Samples of external materials).

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.

5. F14 (Removal of permitted development rights).

Reason: In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy H13 of Herefordshire Unitary Development Plan.

6. G09 (Details of Boundary treatments).

Reason: In the interests of visual amenity, to ensure the development has an acceptable standard of privacy and to conform to Policy DR1 of Herefordshire Unitary Development Plan.

7. H03 (Visibility splays) (2.4 x 65m south along the C1125).

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

8. H03 (Visibility splays) (2.4 x 33m along the unclassified road).

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

9. Before any other works hereby approved are commenced, visibility splays shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 2.4 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 33 metres unclassified road to the west in each direction along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

10. H05 (Access gates).

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

11. H06 (Vehicular access construction).

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

12. H09 (Driveway gradient).

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

13. H11 (Parking - estate development (more than one house)).

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 T11 of Herefordshire Unitary Development Plan.

14. H27 (Parking for site operatives).

Reason: To prevent indiscriminate parking in the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

15. I16 (Restriction of hours during construction).

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

16. L01 (Foul/surface water drainage).

Reason: To protect the integrity of the public sewerage system and to comply with Policy CF2 of Herefordshire Unitary Development Plan.

17. L02 (No surface water to connect to public system).

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment so as to comply with Policy CF2 of Herefordshire Unitary Development Plan.

18. L03 (No drainage run-off to public system).

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment so as to comply with Policy CF2 of Herefordshire Unitary Development Plan.

19. Standard Condition I51 – Details of slab levels.

**Informatives:**

1. N01 - Access for all.
2. N19 - Avoidance of doubt - Approved Plans.
3. N15 - Reason(s) for the Grant of PP/LBC/CAC.

104. DATE OF NEXT MEETING

The meeting ended at 12:40

CHAIRMAN





PLANNING COMMITTEE

3 APRIL 2009

## **REPORT OF THE NORTHERN AREA PLANNING SUB-COMMITTEE**

Meeting held on 11 March 2009

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### **Membership:**

**Councillor JW Hope MBE (Chairman)**

**Councillor PJ Watts (Vice-Chairman)**

**Councillors LO Barnett, WLS Bowen, ME Cooper,  
JP French, JHR Goodwin, KG Grumbley, B Hunt, RC Hunt, TW Hunt,  
TM James, P Jones CBE, R Mills, PJ McCaull, PM Morgan, RJ Phillips, A  
Seldon, RV Stockton, J Stone, JK Swinburne.**

### **PLANNING APPLICATIONS**

1. The Sub-Committee has dealt with the planning applications referred to it as follows:-
  - (a) applications approved as recommended – 3
  - (b) applications minded to approve against recommendation – 1
  - (c) applications deferred – 1
  - (d) number of public speakers – 2 (1 Town Councillor, 2 objector and 3 supporters)

### **PLANNING APPEALS**

2. The Sub-Committee received information reports about 4 appeals received, and 10 determined (6 dismissed, 2 allowed, and 2 part dismissed and part allowed).

**JW HOPE MBE  
CHAIRMAN  
NORTHERN AREA PLANNING SUB-COMMITTEE**

- **BACKGROUND PAPERS – Agenda for meeting held on 11 March 2009.**



PLANNING COMMITTEE

3 APRIL 2009

## REPORT OF THE CENTRAL AREA PLANNING SUB-COMMITTEE

Meeting held on 4 March 2009

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### Membership

#### Councillors:

JE Pemberton (Chairman)  
GA Powell (Vice-Chairman)

PA Andrews, WU Attfield, DJ Benjamin, AJM Blackshaw, ACR Chappell, SPA Daniels, H Davies, GFM Dawe, PJ Edwards, DW Greenow, KS Guthrie, MAF Hubbard, TW Hunt (ex-officio), MD Lloyd-Hayes, RI Matthews, AT Oliver, SJ Robertson, RV Stockton (ex-officio), AP Taylor, AM Toon, NL Vaughan, WJ Walling, DB Wilcox and JD Woodward.

### PLANNING APPLICATIONS

1. The Sub-Committee has met once since the last report and dealt with the planning applications referred to it as follows:-
  - (a) applications approved, as recommended - 4
  - (b) applications refused, as recommended - 1
  - (c) applications minded to refuse contrary to recommendation - 1 (referred to Planning Committee)
  - (d) site inspections - 1
  - (e) number of public speakers - 4 (1 parish, 1 objector, 2 supporters)

### PLANNING APPEALS

2. The Sub-Committee received information reports about 2 appeals that had been received.

**JE PEMBERTON**  
**CHAIRMAN**  
**CENTRAL AREA PLANNING SUB-COMMITTEE**

- BACKGROUND PAPERS – Agenda for the meeting held on 4 March 2009



PLANNING COMMITTEE

3 APRIL 2009

## **REPORT OF THE SOUTHERN AREA PLANNING SUB-COMMITTEE**

Meetings held on 18 February 2009 and 18 March 2009

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### **Membership:**

**Councillors:** Councillor PGH Cutter (Chairman)  
Councillors MJ Fishley (Vice-Chairman)

CM Bartrum, H. Bramer, BA Durkin, MJ Fishley, A.E. Gray, TW Hunt (Ex-officio), JA Hyde, JG Jarvis, G Lucas, PD Price, RH Smith, RV Stockton (Ex-officio), D.C. Taylor and J.B. Williams

### **PLANNING APPLICATIONS**

1. The Sub-Committee has dealt with the planning applications referred to it as follows:-
  - (a) applications approved – 4
  - (b) applications refused contrary to recommendation – 1
  - (c) applications deferred pending site inspection – 1
  - (d) number of public speakers – 2 (2 supporters)

### **PLANNING APPEALS**

2. The Sub-Committee received information reports on 1 appeal received and 4 appeals determined (3 allowed and 1 dismissed)

**PGH Cutter  
CHAIRMAN  
SOUTHERN AREA PLANNING SUB-COMMITTEE**

- **BACKGROUND PAPERS – Agenda for the meetings on 18 February and 18 March 2009.**



**DCNW2008/1289/F - PROPOSED ERECTION AND OPERATION OF 4 WIND TURBINES AND ASSOCIATED ACCESS TRACKS, HARDSTANDING AND SUB STATION BUILDING REEVES HILL, REEVES LANE, NEAR KNIGHTON, HEREFORDSHIRE**

**Report By: Head of Planning and Transportation**

**Wards Affected**

Mortimer

**Purpose**

1. To provide an update to the Committee.

**Financial Implications**

2. None.

**Background**

3. Members will recall the consideration of the above application at the Special Committee meeting on 12th February, 2009.
4. At that time the Secretary of State for Communities and Local Government had issued an Article 14 Direction. The effect of this Direction was to remove the ability of the Council to grant planning permission for the proposal.
5. Committee resolved that it was minded to approve the application.

**Report Details**

6. The Secretary of State has now withdrawn the Article 14 Direction. In particular she has concluded that the application should be decided by this Council.
7. A copy of the letter is attached. In particular Members will be interested to note:
  - a) the Secretary of State's general comments on the role of local planning authorities in the planning process (page 1).
  - b) the consideration of PPS1/PPS7/PPS22 in this matter (page 2). These elements of national planning policy statements featured heavily both in the officer report to the February Committee and Members' own consideration of the matter.
  - c) the general comments (page 2) in relation to the Secretary of State's role purely in relation to the call-in process itself.

## **Future Progress**

8. On the basis of this letter detailed work is now progressing on the following areas:
  - a) modifying the noise conditions in the officer report to reflect industry standards and to respond to comments made in relation to their ability to be enforced.
  - b) the conclusion of the recommended Section 106 Agreement. This is more complicated than normal given both the complexity of the proposal, and the need to secure the agreement of three highway authorities on the issues of abnormal load vehicle routeing and bonds/indemnities.
9. In other major applications it is not unusual for these matters to take several months to conclude. This case is likely to take an equivalent period of time.

## **RECOMMENDATION**

**THAT (a) it is recommended that the report is noted.**

## **BACKGROUND PAPERS**

- None.





GOVERNMENT OFFICE  
FOR THE WEST MIDLANDS



Mr P Mullineux  
Herefordshire Council  
Blueschool House  
Blueschool Street  
HEREFORD  
HR1 2ZB

Your Ref: DCNW2008/1289F  
Our Ref: GOWM/PLN/F1800/90579

5 March 2009

**Sustainable Futures Directorate  
(Planning)**

5 St. Philip's Place  
Colmore Row  
Birmingham  
B3 2PW

Tel: 0121 352 5050  
Direct Line: 0121 352 5150  
Email: WMPlanning@gowm.gov.gsi.uk  
Website: www.gowm.gov.uk

Dear Mr Mullineux

**TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER  
1995**

**PLANNING APPLICATION FOR THE ERECTION OF 4 WIND TURBINES, ASSOCIATED  
ACCESS TRACKS, HARDSTANDING AND SUB-STATION AT REEVES HILL, REEVES  
HILL LANE, NEAR KNIGHTON, HEREFORDSHIRE. APPLICATION: DCNW2008/1289F**

I refer to the Government Office's letter dated 11 February 2009 issuing an Article 14 Direction in order to allow more time for the Secretary of State for Communities and Local Government to consider the planning application for wind turbines at Reeves Hill Herefordshire.

As you know, the Secretary of State's general approach is not to interfere with the jurisdiction of local planning authorities unless it is necessary to do so. Parliament has entrusted them with responsibility for day-to-day planning control in their areas. Local planning authorities are normally best placed to make decisions relating to their areas and it is right that, in general, they should be free to carry out their duties responsibly, with the minimum of interference.

There will be occasions, however, when the Secretary of State may consider it necessary to call in a planning application to determine herself, instead of leaving it to the local planning authority. Her policy is to be very selective about calling in planning applications. She will, in general, only take this step if planning issues of more than local importance are involved and if those issues need to be decided by the Secretary of State rather than at a local level. Each case is, however, considered on its own facts.





GOVERNMENT OFFICE  
FOR THE WEST MIDLANDS

The Secretary of State has carefully considered all the matters raised about this application. The issue before her is not whether the application should be granted planning permission but whether or not she should call it in for her own determination. The Secretary of State considers that the main matters relevant to her consideration in this case are her policies set out in:-

Planning Policy Statement 1 (PPS1): 'Delivering Sustainable Development' which

- seek to address the causes and potential impacts of climate change by reducing energy use and emissions, promoting the development of renewable energy resources, and taking climate change impacts into account in the location and design of development;

Planning Policy Statement 7 (PPS7): 'Sustainable Development in Rural Areas' which

- provide the highest level of protection of the countryside and its features in National Parks (and areas with equal status) and AONBs, avoiding major developments in these areas (save in exceptional circumstances); and
- achieve good quality development which is well designed, in keeping and scale with its location and sensitive to the character of the countryside and local distinctiveness;

Planning Policy Statement 22 (PPS22): 'Renewable Energy' which

- support Government's targets for renewable energy;
- promote and encourage renewable energy developments in regional and local plans;
- ensure development control decisions are taken efficiently and are consistent with national and international climate change policy commitments and obligations; and
- meet national and international obligations to protect designated areas, species and habitats of natural heritage interests and the historic environment from inappropriate forms of development.

Having carefully considered these and other relevant planning issues raised by this proposal, together with many representations from third parties, the Secretary of State has concluded that her intervention would not be justified. The Secretary of State is satisfied that the issues raised would not be more appropriately decided by her rather than the local planning authority. She has therefore concluded that the application should be decided by Herefordshire Council.



GOVERNMENT OFFICE  
FOR THE WEST MIDLANDS

The Article 14 Direction issued pursuant to the Secretary of State's letter of 11 February 2009 is hereby withdrawn.

Yours sincerely

MARTYN HUNT  
Authorised by the Secretary of State  
to sign in that behalf



**DCCW2008/2887/F - CHANGE OF USE FROM BAKERY TO CHIP SHOP AT 17 MEADOW DRIVE, CREDENHILL, HEREFORD, HEREFORDSHIRE, HR4 7EF**

**For: Mr. M. Meophytou per John Farr and Associates, Fincham, Stockley Hill, Peterchurch, Hereford, HR2 0SS**

**Date Received: 24 November 2008    Ward: Credenhill    Grid Ref: 44798, 43179**

**Expiry Date: 19 January 2009**

Local Member: Councillor R I Matthews

### **Introduction**

This application was considered by the Central Area Planning Sub-Committee at its meeting on 4th March 2009. Members resolved to refuse planning permission, contrary to the recommendation of the report. This decision was referred to the Head of Planning and Transportation to determine if it should be reported to the Planning Committee for further consideration.

The report to the meeting recommended that planning permission be granted based on the following assessment:-

- The site is located in an existing local shopping centre.
- Whilst there were objections from local residents, the grounds raised were not supported following consultation with the Traffic Manager and the Environmental Health Officer.
- Other issues such as litter and late night disturbance could be resolved though conditions.
- Although there was an existing hot food use (essentially a restaurant but with takeaway) in the centre, this proposal was a natural addition. The unit has been vacant for some 15 months.

During their debate Members raised issues around the impact of the use on the locality, particularly concentrating on noise and disturbance, anti-social behaviour, litter, fumes and odours and the fear of crime. Other issues mentioned were whether there was the opportunity for additional lighting and/or CCTV, whether the nearby restaurant had caused regular problems of noise and odours and how the doctors' surgery would be affected.

The Sub-Committee resolved to refuse permission for the following reasons:-

1. Harm to the residential amenity of the residents in the area, particularly those above and adjacent to the premises.
2. Harm the character of the area in terms of social activities outside normal business hours.
3. Increased noise and litter.
4. Emanating fumes and odours.
5. Fear of crime.

The Sub-Committee were advised that on the main issues of traffic and local amenity no objection had been raised by either the Traffic Manager or the Environmental Health Manager. It followed therefore that the decision might not be defensible if challenged. Accordingly the Head of Planning and Transportation has referred it to this Committee for a decision.

## **1. Site Description and Proposal**

1.1 Meadow Drive is located within the neighbourhood shopping area at Credenhill. The property was formerly a bakery but has been closed for over 15 months. A general store adjoins one side with a doctors' surgery on the opposite side. Off road parking is available at the front and the shop also has a service facility to the rear.

1.2 The proposal is to change the use from A1 to A5 - hot food takeaway, namely a fish and chip shop. Above the shops are flats and the applicant has agreed a lease on the flat above this shop. The applicant presently operates two fish and chip shops in Hereford.

1.3 An extraction system for food smells is proposed on the rear elevation.

1.4 The proposed opening times are:

Monday – Saturday 1130 – 1400 hours and 1630 – 2300 hours

Sunday and Bank and Public Holidays 1700 – 2200 hours

## **2. Policies**

2.1 Herefordshire Unitary Development Plan 2007:

Policy DR1	-	Design
Policy TCR15	-	Hot Food Takeaway Outlets
Policy T11	-	Car Parking

## **3. Planning History**

3.1 DCCW2005/3065/F Conversion of part of existing bakery into a takeaway chip shop and proposed ground floor rear extension to form additional food preparation area. Withdrawn 27th October 2005.

3.2 DCCW2006/3058/F Proposed single storey extension to rear, to form a new storeroom, additional food preparation area and a new lobby to serve existing first floor flat over shop. Approved 14th November 2006.

3.3 DCCW2008/1113/F Change of use from bakers to fish and chip shop. Withdrawn 2nd June 2008.

## **4. Consultation Summary**

### Statutory Consultations

4.1 Dwr Cymru Welsh Water: No objection.

Internal Council Advice

4.2 Traffic Manager: No objection.

4.3 Environmental Health Manager: I am satisfied with the odour control equipment as detailed in the information regarding extract equipment, however there is no information as regards the expected noise levels which may have an adverse impact on neighbouring residences. I would therefore advise that although I have no objection to the proposed use of the premises I would suggest that a condition is included with any permission requiring prior approval of the extract ventilation system. I would also suggest that the opening times are restricted to those detailed in the application. If in the future it is proposed to open later at night the applicant should be aware that as well as requiring a change in planning permission, they would require a licence from the local authority if they wish to sell food between 11p.m. and 5a.m..

4.4 Public Rights of Way Manager: No objection.

**5. Representations**

5.1 Credenhill Parish Council: The Parish Council have made more enquires pertaining to the revised planning application for the change of use of 17 Meadow Drive, Credenhill from a bakery to a fish and chip shop, planning application.

- The external flue pipe is still situated too close to residential accommodation above the adjoining shops. The pipe will be too close to the bathroom window of the adjoining property. Also the fan is situated inside of the extraction pipe but outside of the building and as such there could be a noise pollution aspect regarding this.
- Although this extraction system has an updated filter system many residents are still convinced that there will still be a noise and odour issue that will affect the residential properties in the immediate area.
- There are still issues regarding the parking situation to the rear of the premises. There is parking planned for two staff cars at the rear of the property. This does not appear to be the case as there is not the room for two cars. There is only one car parking space which is currently used by the tenant in the apartment above the shop. The garage which belongs to the property has the door bricked up and unless removed this cannot be included in the parking arrangements.
- Some residents have mentioned that there are still issues pertaining to the late opening times of the shop and they are concerned that there is potential for noise and nuisance problems.
- The issue of litter associated with this business has been mentioned again. The area around the shop parade is the property of the shop owners and had had an ongoing litter problem for many years. The Parish Council have been consulting with the shop owners to keep the area clear of litter for some time. The litter will also be liberally spread around the immediate area by the wind and as some people will discard wrapper etc. on their journey from the shop.
- Some residents are experiencing ongoing problems with vermin to the rear of the shops and they feel that the situation will not improve with another food outlet in the same location.

- There is an increased fire risk associated with this type of business.
- 5.2 Nine letters of objection have been received, the main points raised being:
1. The chip shop is an inappropriate neighbour for a surgery.
  2. The facility will duplicate that provided by the Jasmine House Restaurant on the other end of the parade of shops.
  3. Fumes and litter will adversely affect adjoining residential property.
  4. The existing car park is used by 'boy racers' and this will exacerbate the situation leading to more loud music, revving engines and wheel spinning that already disturbs local residents.
  5. The car park is already heavily used with cars often queueing out into the road and this will undoubtedly generate more traffic.
  6. The extraction fan will cause noise pollution.
  7. The proposal is contrary to Policy TCR13 in that it would erode the vitality and viability of the shopping centre.
- 5.3 A petition with 59 signatures in support of the proposal has been received.

The full text of these letters can be inspected at Central Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

## **6. Officer's Appraisal**

- 6.1 This property is located within the local neighbourhood shopping area at Credenhill. The shopping parade consists of the one-stop shop, Chinese restaurant, doctors' surgery and the application site, a former bakery now vacant.
- 6.2 In assessing this planning application the following are considered to be appropriate:
1. Impact on Neighbours
  2. Highways Issues
  3. Litter and Fumes and Visual Impact of Associated Equipment
  4. Vitality and Viability
  5. Conclusions

### Impact on Neighbours

- 6.3 The building is located within a parade of shops, restaurant and doctors' surgery. Above these premises are flats. The applicant has taken the lease for the flat above. Dwellings are located to the north and east behind the premises. The Environmental Health Manager has fully assessed the application together with the proposed means of ventilation and is satisfied that the proposal will not be detrimental to the locality.
- 6.4 Concern has been raised regarding anti-social behaviour and the attraction of youths to a late night facility. However, the nearby restaurant is open in the evenings and to assist this situation opening times will be controlled by condition.



Monday – Saturday 1130 – 1400; 1630 – 2300 hours.  
Sunday and Bank Holidays 1700 – 2200 hours.

Highways Issues

- 6.5 The parade of shops has its own parking area with access off Station Road. The Traffic Manager raises no objection.

Litter and Fumes and Visual Impact of Equipment

- 6.6 The applicant already operates two fish and chip shops in Hereford and ensures his staff empty the bins on a regular basis. He would propose similar bins outside for this shop. A suitable litter management condition will be recommended. Fumes are to be extracted by means of a ventilation system to the rear to which the Environmental Health Officer has raised no objections subject to further details being submitted for approval regarding noise from the extraction system.
- 6.7 The system will be attached to the rear of the premises and protrude approximately 2 metres above the eaves. The Chinese restaurant at the southern side of the parade has a similar ventilation flue.

Vitality and Viability

- 6.8 The bakery shop has been closed for over 15 months and apart from a fish and chip shop proposals, there have been no other interest raised with the Planning Authority. To refuse planning permission could mean the premises remaining empty to the detriment of the parade. In addition a fish and chip shop is often seen as a natural additional to a shopping parade providing a variety of uses. Therefore it is not considered that the proposal will be detrimental to the vitality and viability of the parade.

Conclusions

- 6.9 The concerns of the local residents and Parish Council are noted. The objections concerning odours, litter, parking and anti-social behaviour are aspects which can be controlled by conditions which form the recommendations. Finally it is considered that the vitality and viability of the parade will not be impacted detrimentally by this development.

**RECOMMENDATION**

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

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

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

- 2. The use hereby permitted shall not be open to customers outside the hours of 1130 to 1400 and 1630 to 2300 Mondays to Saturdays and 1700 to 2200 on Sundays, Bank and Public Holidays.**

**Reason: To safeguard the amenities of the locality and to comply with Policy DR1 of Herefordshire Unitary Development Plan.**

3. Prior to the commencement of development, a litter management plan shall be submitted to and approved in writing by the local planning authority. The management plan should include the provision of litter bins on the premises and infrastructure relating to regular litter patrols. The approved details shall be implemented prior to the first use of the premises which shall thereafter be operated in accordance with the management plan.

Reason: In the interest of amenity of the area and in accordance with Policy DR1.

4. Notwithstanding the details submitted, prior to the use commencing, full details of the extraction ventilation system shall be submitted for approval in writing of the local planning authority. The approved details shall be installed in their entirety and appropriately maintained.

Reason: In the interest of amenity of the area and in accordance with Policy DR1.

5. A scheme for the provision of external lighting for the front of of the premises shall be submitted to and approved in writing by the local planning authority prior to the use commencing. The lighting shall be installed in accordance with the approved details.

Reason: In the interest of amenity of the area and in accordance with Policy DR1.

#### Informatives:

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

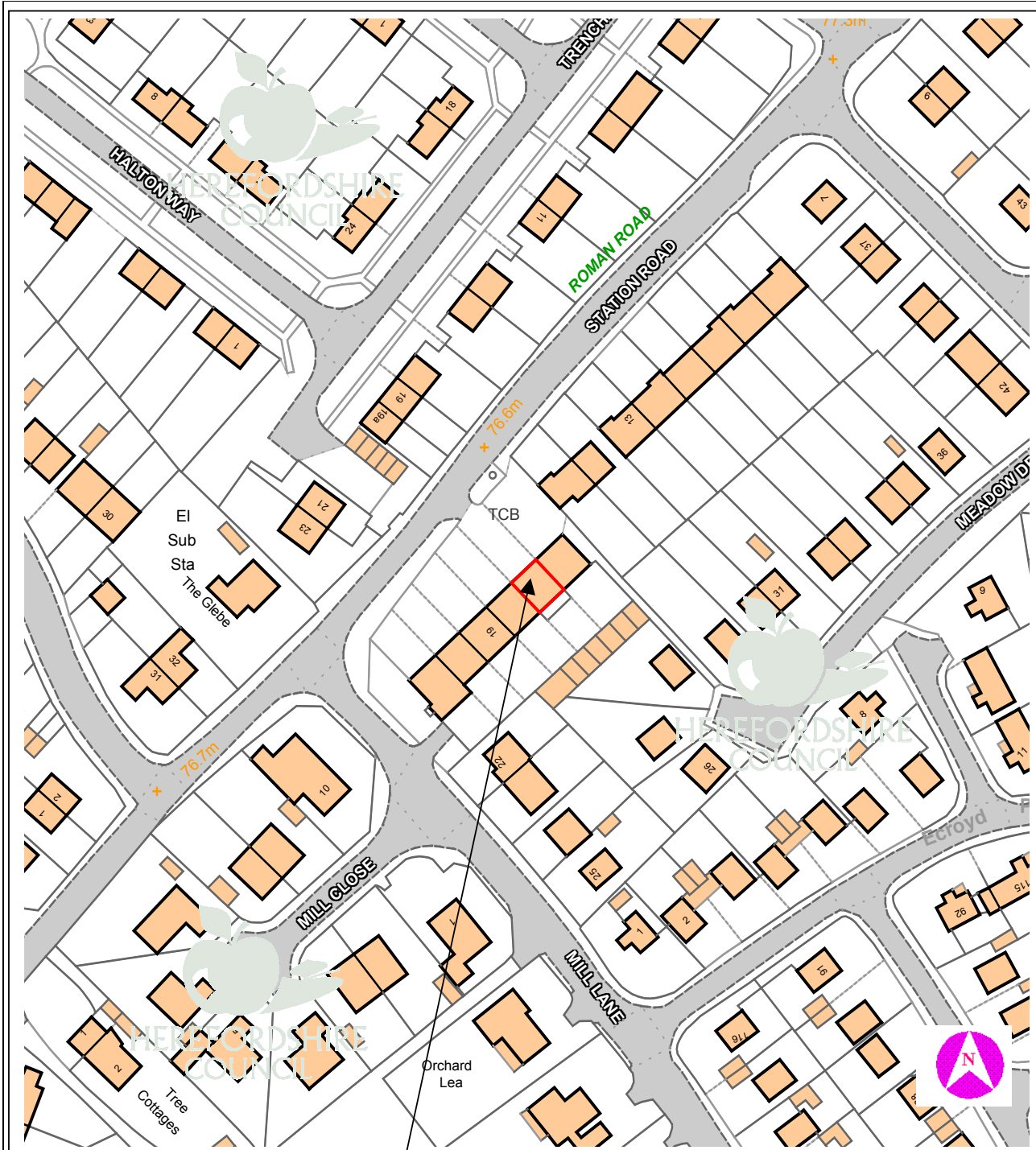
Decision: .....

Notes: .....

.....

#### Background Papers

Internal departmental consultation replies.



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**APPLICATION NO:** DCCW2008/2887/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** 17 Meadow Drive, Credenhill, Hereford, Herefordshire, HR4 7EF

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