

**MINUTES of the meeting of Planning Committee held at The Shirehall, St Peter's Square, Hereford on Friday 3 July 2009 at 10.00 am**

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

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

**In attendance:** Councillors AJM Blackshaw, H Bramer, JP French, RC Hunt, JG Jarvis, MD Lloyd-Hayes, PJ McCaull, SJ Robertson and AM Toon

**1. ELECTION OF CHAIRMAN AND APPOINTMENT OF VICE-CHAIRMAN**

The Committee noted that at the extraordinary meeting of Council on 12th June, 2009, Councillor TW Hunt was re-elected as Chairman and Councillor RV Stockton was re-appointed as Vice-Chairman of the Committee.

**2. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors KS Guthrie and AP Taylor.

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

Councillor KG Grumbley was appointed named substitute for Councillor KS Guthrie and Councillor PA Andrews for AP Taylor.

**4. DECLARATIONS OF INTEREST**

The following declarations of interest were made:

Member	Item	Interest
PM Morgan  DW Greenow	Agenda item No. 15 DCNW2009/0093/F - proposed agricultural storage building and kennels at Brilley Wood, Brilley, Whitney-on-Wye	Prejudicial – left the meeting for the duration of the item  Personal
DW Greenow, JW Hope & DC Taylor	Agenda item No. 10 DCCW2008/0262/F - proposed construction of replacement livestock market with associated car and lorry parking at land adjacent to Veldifer	Personal

	Cottages, Roman Road, Stretton Sugwas, Hereford	
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**5. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 15th May, 2009 be approved as a correct record and signed by the Chairman

**6. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman outlined the procedural arrangements for the meeting.

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

**RESOLVED:** That the report of the meeting held on 3rd June, 2009 be received and noted.

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

**RESOLVED:** That the report of the meetings held on 7th May and 24th June, 2009 be received and noted.

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

**RESOLVED:** That the report of the meetings held on 13th May and 10th June, 2009 be received and noted.

**10. DCCW2008/0262/F - PROPOSED CONSTRUCTION OF REPLACEMENT LIVESTOCK MARKET WITH ASSOCIATED CAR AND LORRY PARKING AT LAND ADJACENT TO VELDIFER COTTAGES, ROMAN ROAD, STRETTON SUGWAS, HEREFORD, HR4 7AN**

The Principal Planning Officer presented a report about an application for the proposed relocation of the livestock market from its present location in Hereford City Centre to a site of Roman Road Credenhill as precursor to the Edgar Street Grid (ESG) redevelopment. The proposal was for office accommodation, cafe, auction space, vehicle wash down area, parking for HGV's and cars together with a covered livestock building. The site would be accessed off Roman Road with a driveway approximately 150 metres long. The access would entail the removal of an oak tree which was located on the roadside and there would be a boundary hedge together with additional landscaping in and around the remainder of the fields in which the site was located. External materials of the livestock building were proposed as Yorkshire boarding with a green-sheeted profiled steel roof. The two sales areas would have vertical timber cladding and the offices, cafe, toilets and ancillary plant rooms would have sandstone coloured block work walls with a flat roof.

He advised that the following additional representations had been received since the report had been completed:

- the applicants had amended the access to provide for a traffic light junction with various warning signs at the approaches this enables traffic to exit the site in both directions.

- Mr B Clay, an objector to the application, had estimated that the new market was approximately five times greater in footprint than Hereford Cathedral. The Council had the opportunity to create an iconic building but this would be a monolithic shed.

The view of the Officers was that no new issues were raised in the representations. The Principal Planning Officer felt that the modification to the access with the provision of a traffic light system he found the application to be acceptable. The Environment Agency was satisfied with the arrangements for disposing of surface water and that there were no links to water courses that caused flooding elsewhere in the city. He also said that if the Committee was mindful of granting permission, the application would need to be submitted to the Government Office for the West Midlands because it constituted a departure from the Council's planning policies.

In accordance with the criteria for public speaking, the following spoke about the application:

**Parish Councils** – Mrs Morawiecka Breinton PC; Mr McHarg Stretton Sugwas PC; & Mrs Reynolds Burghill PC;

**Objectors** – Mr Clay and Mr Hilder;

**Supporters** – Mr Hyde (Hereford Market Auctioneers) and Mr Wittle (Hereford NFU)

The Committee noted the comments that had been made by the speakers about the application and in particular the impact it was likely to have on nearby residents, schools highways and flooding and the viability of the market which would necessitate considerable investment. This had to be balanced against the benefits for the ESG development and the need to provide more modern facilities for users in a more easily accessible location.

Ward Members and adjoining Ward Members were also invited to give their views on the proposals. Councillor SA Robertson said that she had been to six consultation meetings and that if the application was approved, matters needed to be put in place to address the concerns that had been raised by local residents and highlighted by the speakers. In particular she felt that Towtree Lane should be prevented from being used as a short-cut from Tillington Road to Roman road and that there should be speed restrictions at the access point to the market on Roman Road. She also had concerns about Bridge Sollars being used by large vehicles as a by-pass for market users travelling from the south. Safe pedestrian crossing places needed to be provided and more highway safety provision made to the access routes to nearby schools. There had been flooding of the adjoining properties and fields in adverse weather conditions and there needed to be guarantees that the situation was not exacerbated by the proposals. Suitable conditions needed to be in place to cover all the areas of concern which had been raised. Councillor PJ McCaull said that he recognised the need for the market to be relocated but was concerned at the significant costs involved.

Councillor A Toon had concerns at the Environmental impact of the scheme on the local community and a proposal to divert the Yazor Brook into the River Wye as part of the ESG development. She was of the view that there was a need for greater emphasis on water recycling rather than disposal. She was concerned at the security issues on the site and the need for traffic lights. She felt that traffic congestion would be moved to other parts of the City such as Westfaling Street and roads in the Whitecross area with issues for school children crossing roads at busy times. She also agreed with the objectors that there was a need to limit the start and finish times of construction work to reduce noise nuisance in the early mornings and at weekends whilst the market was under construction.

Councillor MD Lloyd-Hayes questioned the need for considerable expenditure on relocating the market when there were good locations in Ross-on-Wye and Ludlow already used by Herefordshire farmers. There was also on-line selling which she felt was healthier than having animals herded into pens. She felt the proposals to be visually intrusive and of poor design

The Head of Planning and Transportation reminded the Committee of its regulatory role and the need to consider the application on its merits in accordance with UDP policies, rather than the issues which were being dealt with by the Council's Executive such as the financing of the scheme and its relation to the success of the ESG. At the UDP Inquiry the Planning Inspector had supported the concept of an out-of-town market. Late amendments to a scheme were not unusual and the market by its nature was a functional building and had to be designed around practical issues. A considerable amount of time had been spent on the proposals to ensure that all the practical issues and concerns were addressed, and that the requirements of the various Council departments as well as the statutory consultees and interested parties were met before the scheme could proceed.

Councillor RI Matthews was disappointed that the legal issues about the historic obligations for relocating the market had not been included in the report and was concerned at the potentially high cost of the scheme. He felt that too great an emphasis had been placed on users of the market rather than local residents and the taxpayers of the County. He was also concerned about pollution and the effect of water abstraction on Wyvale. The Principal Planning Officer said that both issues would be covered by appropriate conditions and that there would be on-site water harvesting so effectively less use. In answer to a question about future development of the site, he said that this was limited to the livestock market only and that planning permission would need to be sought for any other uses. Councillor Matthews said that there was a need for a comprehensive landscape scheme to be prepared in conjunction with local members and residents. The issues raised by parish councils and the objectors about the infrastructure, flooding, local highway network and improvements to school pedestrian routes would also need to be provided for in any planning permission. Access from the south of the County would need to be via the A49 from the starting Gate roundabout rather than from Westfaling Street or the Whitecross routes.

Councillor PA Andrews had reservations for the need for a large complex given the fact that 60 markets had closed in the country since 2003. She felt that a smaller enterprise on a brownfield site near the Rotherwas relief road would be preferable and that it should be paid for by users. Councillor DC Taylor was of the view that additional passing places needed to be on the routes from Madley to Lulham and Bridge Sollars. Councillor GFM Dawe echoed the concerns of the parish councils about the lack of information regarding the environmental impact addendum and the legal opinion.

Councillor PM Morgan felt that the new site had considerable merit and would help reduce the congestion problems in the City on market days. Appropriate planning conditions would meet the concerns that had been raised. Councillor JE Pemberton was also in support of the proposals. Councillor GW Greenow said that the proposals were for a safe modern facility that would be much better for animal welfare than the existing market. He felt that the perceived highway problems could be addressed by the appropriate conditions and that on balance the proposals were to be welcomed. He was disappointed however that there was not an education facility provided on site for young people to visit to gain an insight to agriculture.

The Head of Planning and Transportation referred to his report and outlined the appropriate steps that were detailed within it to deal with all the concerns that had been raised about issues such as water usage, flooding, the local highway network and safety

for school users, and the conditions that could be imposed to address the concerns. He also drew attention to the views of the highways Department and the statutory consultees in this respect. The Principal Planning Officer said that the proposals had been arrived at after a number of years study into the present day requirements for a livestock market including the evaluation of a number of sites.

Rotherwas had been considered but 70% of users were from the west of the County and would need to travel through the City to get to it. The application site was the preferred option with the appropriate conditions and safeguards.

Having carefully considered all the issues that had been raised, the Committee decided in favour of the proposals.

## **RESOLVED**

**That, taking into account the Environmental Statement Addendum Report and associated documents and the results of consultation on it, the application be submitted to the Government Office for the West Midlands and that subject to its approval, the Officers named in the Scheme of Delegation to Officers be authorised to approve it, subject to a satisfactory landscaping scheme being first submitted for approved by the Officers in consultation with the Chairman and Local Ward Members; and 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. 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.**

**3. E01 (Site investigation – archaeology).**

**Reason: To ensure the archaeological interest of the site is recorded and to comply with the requirements of Policy ARCH6 of Herefordshire Unitary Development Plan.**

**4. F03 (Restriction on hours of opening).**

**Reason: In the interests of the amenities of existing residential property in the locality and to comply with Policy DR1 of Herefordshire Unitary Development Plan.**

**5. F06 (Restriction on Use).**

**Reason: The local planning authority wish to control the specific use of the land/premises, in the interest of local amenity and to comply with Policy DR2 of Herefordshire Unitary Development Plan.**

**6. 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.**

**7. 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.**

**8. G10 (Landscaping scheme).**

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

**9. 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.**

**10. G14 (Landscape management plan).**

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

**11. H03 (Visibility splays).**

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

**12. H05 (Access gates).**

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

**13. 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.**

**14. 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 with the requirements of Policy T11 of Herefordshire Unitary Development Plan.**

**15. H17 (Junction improvement/off site works).**

**Reason: To ensure the safe and free flow of traffic on the highway and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.**

**16. H20 (Road completion in 2 years).**

**Reason: In the interests of highway safety and convenience and a well co-ordinated development and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.**

**17. 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.**

**18. H28 (Public rights of way).**

**Reason: To ensure the public right of way is not obstructed and to conform with the requirements of Policy T6 of Herefordshire Unitary Development Plan.**

**19. H29 (Secure covered cycle parking provision).**

**Reason: To ensure that there is adequate provision for secure cycle accommodation within the application site, encouraging alternative modes of transport in accordance with both local and national planning policy and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.**

**20. 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.**

**21. 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.**

**22. I18 (Scheme of foul drainage disposal).**

**Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policy DR4 of Herefordshire Unitary Development Plan.**

**23. I21 (Scheme of surface water regulation).**

**Reason: To prevent the increased risk of flooding and to comply with Policy DR4 of Herefordshire Unitary Development Plan.**

**24. I22 (No surface water to public sewer).**

**Reason: To safeguard the public sewerage system and reduce the risk of surcharge flooding so as to comply with Policy DR4 of Herefordshire Unitary Development Plan.**

**25. I26 (Interception of surface water run off ).**

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

**26. I33 (External lighting).**

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

**27. I41 (Scheme of refuse storage (commercial)).**

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

**28. I43 (No burning of material/substances).**

**Reason: To safeguard residential amenity and prevent pollution and to comply with Policy DR4 of Herefordshire Unitary Development Plan.**

**29. I44 (No burning of materials/substances during construction phase).**

**Reason: To safeguard residential amenity and prevent pollution and to comply with Policy DR4 of Herefordshire Unitary Development Plan.**

**30. I51 (Details of slab levels).**

**Reason: In order to define the permission and ensure that the development is of a scale and height appropriate to the site so as to comply with Policy DR1 of Herefordshire Unitary Development Plan.**

**31. I53 (Storage for manure).**

**Reason: In order to safeguard the amenity of the occupiers of the adjoining residential property and to comply with Policy DR2 of Herefordshire Unitary Development Plan.**

**32. I54 (Burning of manure etc).**

**Reason: In order to safeguard the amenity of the occupiers of the adjoining residential property and to comply with Policy DR2 of Herefordshire Unitary Development Plan.**

**33. I55 (Site Waste Management).**

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

**34. K4 (Nature Conservation – Implementation).**

**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) and Policies NC1, NC5, NC6 and NC7 of Herefordshire Unitary Development Plan.**

**35. K2 (Nature Conservation – site protection).**

**Reason: To ensure that the nature conservation interest of the site is protected. So as to comply with Policy NC1 of the Herefordshire Unitary Development Plan.**

**36. K3 (Barn Conversion – owl box)**

**Reason: In order not to disturb or deter the nesting or roosting of barn owls which are a species protected by the Wildlife and Countryside Act 1981 and**



so as to comply with Policies NC5 and NC6 of the Herefordshire Unitary Development Plan.

**36. K5 (Habitat Enhancement Scheme).**

**Reason:** In order to ensure that diversity is conserved and enhanced in accordance with the requirements of PPS9, the NERC Act 2006 and Policies NC6, NC7, NC8 and NC9 of Herefordshire Unitary Development Plan.

**37. Development shall not commence until full surface water drainage details, incorporating sustainable drainage principles, have been submitted in full and approved by the local planning authority. Any approved scheme shall be implemented in accordance with the approved details before the development is completed or occupied.**

**Reason:** To ensure that the new development does not increase the risk of flooding to the site itself or adjacent existing developments.

**38. Prior to the commencement of development approved by this planning permission the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:**

**1) A preliminary risk assessment which has identified:**

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

**2) A site investigation scheme and results, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.**

**Reason:** To prevent pollution of the water environment.

**39. If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority, a Method Statement. The Method Statement must detail how this unsuspected contamination shall be dealt with. Thereafter development of the site shall be carried out in accordance with the approved Method Statement.**

**Reason:** To ensure investigation and remediation of any contamination and protect controlled waters.

**40. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.**

**Reason:** To prevent pollution of the water environment.

**41. M10 (Unsuspected contamination).**

**Reason: To prevent pollution of controlled waters and to comply with Policy DR10 of Herefordshire Unitary Development Plan.**

**(Note to above - No investigation can completely characterise a site. The condition may be appropriate where some parts of the site are less well characterised than others, or in areas where contamination was not expected and therefore not included in the remediation proposals. Officers should provide reasons for believing there may be previously unidentified areas of contamination at the site, based on the information submitted with the application.)**

**42. Prior to the development commencing details of proposed means of water supply shall be submitted for approval in writing of the Local Planning Authority.**

**Reason: To safeguard the amenity of the area and to ensure the development conforms with Policy DR6 of the Herefordshire Unitary Development Plan.**

**Informatives:**

- 1. HN01 - Mud on highway.**
- 2. HN04 - Private apparatus within highway.**
- 3. HN05 - Works within the highway.**
- 4. HN07 - Section 278 Agreement.**
- 5. HN17 - Design of street lighting for Section 278.**
- 6. HN23 - Vehicular use of public rights of way.**
- 7. HN25 - Travel Plans.**
- 8. N19 - Avoidance of doubt - Approved Plans.**
- 9. N15 - Reason(s) for the Grant of PP/LBC/CAC.**

**11. DCNC2009/0435/CD & DCNC2009/0436/L - PROPOSED REMOVAL OF EXISTING MINOR EXTENSIONS, INTERNAL ALTERATIONS AND NEW EXTENSION TO FORM OFFICES AND COMMUNITY ROOMS FOR RENT AT GRANGE COURT, PINSLEY ROAD, LEOMINSTER, HEREFORDSHIRE, HR6 8NL**

The Northern Team Leader presented a report about an application for alterations to Grange Court Leominster which is a Grade II\* listed building; for a scheme to provide office and community use. The building was used by Herefordshire Council as office accommodation but this had diminished over recent years as the Council rationalised the disparate nature of its services. Grange Court was originally erected in 1633 in Broad Street and was used as a market hall. During the 19<sup>th</sup> century it was considered to be a traffic hazard and was dismantled and later reconstructed in its current location in 1853 for use as a residence. It underwent significant alterations with the ground floor being enclosed to create two rooms and the addition of a central stone staircase. The

previously open space at first floor level was sub-divided to create smaller rooms and significant one and two-storey brick extensions were added to the side and rear.

The Northern Team Leader presented the following representations which had been received since the report was prepared:-

- a petition containing 309 signatures against the proposal and 2 in favour.
- a plan of an alternative proposal has also been submitted by Mr Ian Gaskin together with a number of critical points which are similar to those already set out in the report.
- a letter dated 29<sup>th</sup> June has been received from MADE –Design review for W.Mids. It considers the uses to be a suitable and that the location of the extension is appropriate. It agrees that it is appropriate to remove the later partitions and Victorian staircase to recreate the impressive first floor room for community use. It was critical of the handling of the new entrance and foyer space and calls for a distinction between the old building and the new additions. It found the position of the foyer awkward – half in and half out of the existing building, the external appearance of the junction between old and new appears clumsy. It considered that a single wing running east with office space either side of a central corridor would have been more efficient in terms of construction and running costs. There is ambiguity between the circulation space/garden should it be garden or cloister? It found the cross sections through the office wings and selection of external finishes to be unnecessarily elaborate and questioned the use of so many different roof materials. Subject to the above caveats the Panel warmly supports the project.

In accordance with the criteria for public speaking, the following spoke about the application:-

**Leominster Town Council** – Councillors Westwood and Thomas

**Objectors** – Mr Gaunt & Mrs Butler

**Supporters** – Mr Jackson; Mr Duckham & Mr Baines

Councillor RC Hunt, one of the Local Ward Members welcomed the proposals to preserve and bring the building back into use but was of the view that the retention of the Victorian stone staircase was essential and that the potential loss of an Austrian black pine was regrettable. Councillor J French, another Ward Member, welcomed the principle of the scheme but not the removal of the staircase and pine. She pointed out that the Council was unlikely to favour such an application from a private individual and should therefore not do so with its own property. She also dismissed a suggestion that the building would be allowed to fall into disrepair without the scheme because maintenance was undertaken by the Council. She suggested a deferral to allow further negotiations over these issues. Councillor PA Andrews echoed these views, stating that The Grange was an important part of Herefordshire's history and that local concerns needed to be heeded.

The Committee considered the various aspects of the scheme and the proposed internal and external layout. The Conservation Manager described the status of the pine which was approximately 120 years old with an age range from 150 to 250 years. The Committee noted that the trees had originally been planted to frame the view of the building and felt that the loss of one of the black pines would create a visual imbalance as well as an important asset to the town.

The Head of Planning and Transportation drew attention to the policy issues at stake, which were finely balanced. The tree was an important local feature but the proposals would be of long-term benefit to a significant historic building and lottery funding could be lost if the scheme was delayed. Notwithstanding the views of the Officers however, the Committee decided that in view of the issues involved, the matter should be deferred.

**RESOLVED THAT**

**Further consideration of the planning application be deferred for negotiations with the applicants about the issues raised regarding the Victorian staircase and the black pine**

**12. DCNC2009/0168/F - PROPOSED CHANGE OF USE FROM AGRICULTURAL TO A SITE FOR THE ACCOMMODATION OF SEASONAL AGRICULTURAL WORKERS IN MOBILE HOMES AND DEMOUNTABLE PORTABLE BUILDINGS AND SPORTS PITCH ON LAND AT BRIERLEY COURT FARM, BRIERLEY, HEREFORDSHIRE HR6 0NU**

The Chairman said that since the preparation of the report there had been a considerable amount of information sent in by the objectors which raised a number of issues which needed to be addressed by the officers. It was not felt to be practical to deal with this by way of a large update and Counsel had considered the matter and advised that deferral was the best option to enable the new issues that had been raised to be addressed. Councillor PGH Cutter felt that there was ample information available in the report for a decision to be made. Mr D Park who was at the meeting to advise the Committee as Counsel, outlined the contents of a letter which had been received from Arrow Valley Residents Association about the application and said that the points raised needed to be dealt with. The Committee agreed with this proposal in respect of this application and the following two applications.

Those who had registered in accordance with the criteria for public speaking, reserved their right to speak when the applications were determined.

**RESOLVED:**

**That consideration of planning applications DCNCW2009/0168; DCNCW2009/0167 and DCNCW2009/0166 be deferred to enable the Officers to address the additional representations which had been received.**

**13. DCNC2009/0167/F - APPLICATION (PART RETROSPECTIVE) TO ERECT FIXED (NON ROTATING) SPANISH POLYTUNNELS OVER ARABLE (SOFT FRUIT) CROPS GROWN ON TABLE TOPS AT BRIERLEY COURT FARM, BRIERLEY, LEOMINSTER, HEREFORDSHIRE, HR6 0NU**

See Minute 12 above

**14. DCNC2009/0166/F - RETROSPECTIVE APPLICATION TO RETAIN PRIVATE PACKAGE SEWAGE TREATMENT PLANT ON LAND AT BRIERLEY COURT FARM, BRIERLEY, LEOMINSTER, HEREFORDSHIRE, HR6 0NU**

See Minute 12 above

15. **DCNW2009/0093/F - PROPOSED AGRICULTURAL STORAGE BUILDING AND KENNELS AT BRILLEY WOOD, BRILLEY, WHITNEY-ON-WYE, HEREFORD, HEREFORDSHIRE, HR3 6JE**

The Senior Planning Officer presented a report about an application for an agricultural storage building and kennels at Brilley Wood. The application had been referred to the Committee because the Northern Area Planning Sub-Committee was mindful to refuse it, being concerned about noise, odor and the impact on the character of the area. Consideration of the application was deferred at the last meeting of the Planning Committee for a site inspection at the application site and also to an operational kennels at Tedstone Wafre.

The Senior Planning Officer presented the following representations which had been received since the report was prepared:-

A further letter has been received from Marc D. Willis from Willis & Co. Chartered Town Planners. The letter states that the officer's report to the committee still does not address many of the issues referred to in earlier letters. The issues highlighted are as follows;

- no justification for the agricultural use,
- no reliance on dried food for the hounds and the potential for the use of fallen stock for feed,
- the impact on the footpaths
- the noise report being flawed and unreliable,
- no protected species assessment,
- no detailed assessment of the search for an alternative site,
- no consideration to employment policies,
- the use of the highway for exercising the hounds is a material consideration
- conditions do not take into account the agricultural and breeding activity.

The Senior Planning Officer was of the view that the matters raised were covered in the report. She said that a satisfactory wildlife protection and enhancement scheme would need to be submitted for her approval by the applicants prior to permission being granted.

In accordance with the criteria for public speaking, the following spoke on the application.

***Brilley Parish Council*** – Cllr White

***Objector*** – Mr Watts

***Supporters*** – Mrs Lloyd

Councillor JW Hope, the Local Ward Member, said that he had received some 60 – 70 letters and a petition with 161 signature. He said that he was not opposed to the site being developed but felt that the application before the Committee was for an inappropriate use. He proposed refusal of planning permission for the application based on the following reasons:

- the detrimental affect on residential amenity,
- the unacceptable odour from such a development and
- the character of the surrounding area would be detrimentally affected.

Councillor GW Greenow drew attention to the considerable opposition to the application by the Sub-Committee. He said that he could not support the application as the kennels were not in the interests of the local community and that there would be problems of noise and nuisance arising from hounds. Councillor H Davies was also concerned about

the noise issue. Councillors Walling and Cutter also shared these views. Councillor KG Grumbley said that the roads surrounding the proposed development were narrow and felt that this would create danger for road users, hunt personnel and the hounds. He felt that sometimes the behaviour of hounds could be unpredictable on the roads and lead to further potential hazards.

Councillor Mrs JE Pemberton felt that the recent site inspection had proved to be very informative. She could see no objection to rural activities in a rural area. Councillor TW Hunt said that there had been no complaints about the kennels visited by the Committee in Tedstone Delamere and that the hounds were well disciplined on the road. He felt that most of the objections were based on supposition and that there were insufficient grounds for the application to be refused.

The Senior Planning Officer said that there were no complaints about other hunt kennels in the County and that the Environmental Health officers had raised no objections to the application. Notwithstanding the views of the Officers, the Committee felt that problems would arise for local residents and that the recommendation of the Northern Area Planning Sub-committee for refusal should be supported.

## **RESOLVED**

**That the application be refused on the following grounds:**

- (i) the proposed development would be detrimental to the residential amenity of the surrounding area;**
- (ii) the odour from the proposed development would be detrimental to the residents of the surrounding residential area;**
- (iii) the proposed development would be detrimental to the character of the surrounding area; and**
- (iv) a satisfactory wildlife protection and enhancement scheme wildlife survey had not been prepared by the applicants.**

## **16. REGIONAL SPACIAL STRATEGY: CONSULTATION ON PHASE THREE OPTIONS**

The Planning Policy Manager presented a report to seek the views of the Committee about consultation by the West Midlands Regional Assembly on the Phase Three revision of the Regional Spatial Strategy (RSS). The eight-week "Options" consultation which was runnings from 29th June to 14th August, focused on the following issues:

1. rural services;
2. Gypsies, Travellers and Travelling Showpeople;
3. culture sport and tourism;
4. quality of the environment; and
5. Minerals

This was the third and final phase of the revision of the RSS which was first approved by the Secretary of State in 2004. Since then Phase 1 relating solely to the Black Country had been approved in 2007 and Phase 2 which set out revised targets for housing,

retailing and employment, had been the subject of Examination in Public in April, May and June this year. The report about Phase 2 was not expected until the autumn and final approval during next year. The Government intended to complete the Phase 3 revisions during 2011 and by then the RSS would be completely revised. Any Development Plan Documents produced by local planning authorities in the West Midlands had to be compliant with the RSS as a whole.

A "Stakeholders' Event" had been arranged for 7th July at The Courtyard for a representative of the Regional Planning Body to explain the details of the consultation and to invite comments. In view of the importance of the consultation on "Critical Rural Services" parish council representatives had been invited together with other interest groups. Members had also been advised of the event. The Cabinet would determine the response to the consultation on behalf of the Council and a report would be presented to the meeting of Cabinet on 30th July.

The Committee discussed the document and commented on various issues including travellers, public transport in the rural areas and renewable energy. There were concerns that there was more of an urban-based approach which concentrated development and resources on the market towns and Hereford City, which may be to the detriment of the rural areas. The Cabinet Member (Environment and Strategic Housing) said that another concern was the possible over-allocation of Traveller sites in the County. The Council had been successful in providing facilities to date but appeared to have been allocated more based on its success, despite the fact that the existing facilities were under-used. Any other views that Members had could be submitted to the Cabinet Member or Planning policy Manager before the Cabinet meeting on 30th July, 2009

#### **RESOLVED THAT**

**The views of the Committee on the consultation be reported to Cabinet on 30th July 2009 and be taken into account in the Council's response.**

#### **17. DATE OF FORTHCOMING MEETINGS**

The meeting ended at 3.40 pm

**CHAIRMAN**