

MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 24 November 2010 at 10.00 am

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

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

In attendance: Councillor SJ Robertson

67. APOLOGIES FOR ABSENCE

Apologies were received from Councillors H Davies and AP Taylor.

68. NAMED SUBSTITUTES (IF ANY)

There were no named substitutes present at the meeting.

69. DECLARATIONS OF INTEREST

9. DMS/102345/F - UPPER HOUSE FARM, MORETON ON LUGG, HEREFORDSHIRE, HR4 8AH.

Councillor JW Hope MBE, Personal, Member of the River Lugg Drainage Board.

9. DMS/102345/F - UPPER HOUSE FARM, MORETON ON LUGG, HEREFORDSHIRE, HR4 8AH.

Councillor KS Guthrie, Personal, Member of the River Lugg Drainage Board.

70. MINUTES

RESOLVED: That the Minutes of the meeting held on 3 November 2010 be approved as a correct record and signed by the Chairman.

71. CHAIRMAN'S ANNOUNCEMENTS

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

He also read out a letter received from Mr and Mrs Jones, Falcon Brook, thanking the committee for the manner in which they dealt with their recent planning application.

72. APPEALS

The Committee noted the report.

73. PROPOSED REVISED PLANNING ENFORCEMENT POLICY

Members noted the report and thanked the planning enforcement team for their recent enforcement seminar.

RESOLVED:

The Committee noted the report and requested that the Cabinet Member, Environment and Strategic Housing, approve the policy.

74. DMN/101505/F - COVENT GARDEN, BROCKHILL ROAD, COLWALL, HEREFORDSHIRE, WR13 6EY

The Team Leader (North) gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided; the schedule of committee updates is appended to these minutes. During his presentation the Team Leader (North) addressed the key issues regarding the application, these included the principle of development; the loss of the playing field; the density and design of the development; the transportation issues; the foul drainage and surface water issues in the area; affordable housing; ecology and landscaping.

In accordance with the criteria for public speaking Mr Ashton, representing Colwall Parish Council, and Mr Hamilton, representing a number of local residents, both spoke in objection to the application, and Mr McCann, the applicant's agent, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor RV Stockton, the Vice-Chairman, speaking in his capacity of local ward member, commented on a number of issues, including:

- The application had been two years in the making and was submitted following a considerable amount of work from the applicants.
- There were traffic concerns during the morning and late afternoon due to school drop offs and collections, these were no different than any other school.
- The school was trying to improve the situation through a travel plan.
- The site was an allocated housing site under the 2003 Herefordshire Council Unitary Development Plan.
- The drainage concerns were being resolved by Severn Trent.
- The Malvern Hills were subject to flooding problems due to their nature.
- Colwall needed more housing.

The local ward member also read an additional statement from his fellow ward member who echoed the views expressed.

Members discussed the application and had concerns regarding the loss of school playing fields as well as concerns regarding traffic movements in the area. Therefore they felt that a site inspection would be beneficial.

The Head of Development Management advised Members that the site was an allocated housing site under the Unitary Development Plan. He also advised members that they may wish to consider visiting the site during the morning school drop off time in order to gauge the highways issues.

Councillor Stockton was given the opportunity to close the debate in accordance with the Council's Constitution.

RESOLVED

THAT a site inspection be undertaken on the following grounds.

The character or appearance of the development itself is a fundamental planning consideration;

a judgement is required on visual impact, and;

the setting and surroundings are fundamental to the determination or to the conditions being considered, and cannot reasonably be made without visiting the site in question.

75. DMS/102345/F - UPPER HOUSE FARM, MORETON ON LUGG, HEREFORDSHIRE, HR4 8AH.

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

In accordance with the criteria for public speaking, Mr Young, a neighbouring resident, spoke in objection to the application and Mr Foxley, the applicant's agent, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor KS Guthrie, the local ward member and Councillor SJ Robertson, the neighbouring ward member, commented on a number of issues, including:

- There were concerns regarding the cumulative traffic movements to and from the site.
- Need to be mindful of the high levels of traffic using the A49 on a daily basis.
- Amey Mouchelle figures were considerably higher than the figures quoted in the report for traffic movements on the A49.
- Concern had been raised in respect of the night time food deliveries, could these be mitigated.
- There were concerns regarding odours from the site.
- The Planning Officer was thanked for arranging a visit to a similar operation in the County.
- It was noted that older poultry sheds did suffer from worse odour problems than the new ones.
- Could the roofs be coloured in such a way to negate the visual impact.
- Mature tree planting would be welcomed when screening was considered.

In response to a number of questions raised by the local ward member, the neighbouring ward member, and the two public speakers, the Principal Planning Officer made the following comments:

- There had been no objections raised by the Highways Agency or the Council's Traffic Manager regarding the A49.
- The only time that a noticeable odour would emit from the sheds would be during 'turnout time', this occurred for approximately 4 hours once every 6 weeks.
- The proposed sheds would be further away from the objector's home.
- Landscaping and the finished colour of the sheds could be agreed in consultation with the local ward member and the Chairman.
- Delivery times could not be restricted to normal business hours.
- Ammonia levels were considerably lower under the new proposal than the current levels.

Members had some concerns regarding the impact the application would have on the highways infrastructure and felt it imperative that sufficient traffic control measures were put in place. Concerns were also raised in respect of the nature of the screening proposed, Members noted that the screening could be agreed at a later date but wished

it to be recorded that the use of mature trees would be welcomed in order to mitigate any possible visual impact.

Despite these concerns Members noted that the poultry farming techniques were developing and that there was a need for modern poultry sheds. They noted the comments from the Principal Planning Officer regarding the improvement to animal welfare standards that the new sheds would offer.

Councillors Guthrie and Robertson were given the opportunity to close the debate in accordance with the Council's Constitution. Councillor Guthrie requested that as local ward member she be consulted with in respect of landscaping and the finish of the sheds. Councillor Robertson advised Members that she had been assured that Cargill's animal welfare standards were of a high standard and noted that birds were fed and watered on demand.

RESOLVED

That planning permission be granted (taking the submitted environmental information into consideration) subject to the following conditions:

- 1. A01 Time limit for commencement (full permission)**
- 2. B01 Development in accordance with the approved plans**
- 3. C09 Details of cladding (agricultural and industrial buildings)**
- 4. Before the development hereby permitted is brought into first use, a comprehensive Method Statement for the management of waste and poultry litter shall be submitted to and approved in writing by the local planning authority. The scheme shall include in particular the recommendations and points listed in Section 4.4 and Appendix 7 (and its own appendix) of the submitted Environmental Statement and shall be implemented as approved from the first stocking cycle of the new units.**

Reason: To ensure efficient waste management and reduce the risk of odour nuisance in the interests of the amenity of the locality and to comply with Policies S2, S2, DR1, DR4, DR9 and E16 of the Herefordshire Unitary Development Plan.

- 5. I18 Scheme for foul and surface water drainage**
- 6. G04 Protection of trees/hedgerows that are to be retained**
- 7. G13 Tree planting**
- 8. I33 External lighting**
- 9. The recommendations set out in Section 3 'Protection of Habitats and Mitigation Measures' of the submitted FWAG Report dated 26 June 2009 shall be implemented in full unless otherwise agreed in writing in advance by the local planning authority. An appropriately qualified and experienced named Ecological Clerk of Works shall be appointed (or consultant engaged in that capacity) to oversee the ecological and habitat enhancement work.**

Reason: To ensure all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and

Species Regulations 2010 and Policies NC1, NC6, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan and to meet the requirements of PPS9 'Biodiversity and Geological Conservation' and the NERC Act 2006.

- 10. M13 Pollution prevention**
- 11. I16 Restriction of hours during construction**
- 12. No waste materials arising from this development shall be transported on the public highway unless they are contained within sealed, securely covered vehicles.**

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

Informatives:

- 1. N11A Wildlife and Countryside Act 1981 (as amended) - Birds**
- 2. N19 Avoidance of doubt - Approved Plans**
- 3. N15 Reason(s) for the Grant of PP/LBC/CAC**
- 4. The tree planting scheme required by condition 7 should include a proportion of mature specimens or at least fast-growing native species, and the list of species (and the proportions) given in the submitted Appendix 9 to the Environmental Statement may need to be reviewed. Please contact the case officer to discuss before final submission.**
- 5. Any external lighting proposals to be submitted under condition 8 should be low wattage, on a timing mechanism and shaded so as to direct light downwards to avoid light pollution. Submitted details should include these precautions. Any further practical measures to reduce light emission on other parts of the farm would be welcomed.**

76. DMS/101741/O -MOREBOROUGH, LEDBURY ROAD, ROSS ON WYE, HEREFORDSHIRE, HR9 7BE.

The Team Leader (South) gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided; the schedule of committee updates is appended to these minutes.

In accordance with the criteria for public speaking, Mr McLachlin, a neighbouring resident, spoke in objection to the application and Mr Smith, the applicant's agent, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor PGH Cutter, one of the local ward members, commented on a number of issues, including:

- The application came before Committee in October when it was deferred pending discussions with the applicant regarding the possibility of reducing the development to one dwelling.
- The concerns regarding the traffic concerns had not been resolved.
- All dwellings in the area were detached or linked properties, there were no semi detached properties in the area.

Members discussed that application and had serious concerns regarding the impact the application would have on the highways infrastructure in the area. They also felt that the application would result in over intensification of the site and felt that it was inappropriate for the area.

In response to a question the Team Leader (South) confirmed that all monies secured through the section 106 agreement would be used to contribute towards projects within the vicinity of the site.

Councillor Cutter was given the opportunity to close the debate in accordance with the Council's Constitution but chose to make no further statement.

RESOLVED

THAT the application should be refused contrary to the Officer's recommendation for the following reasons:

- 1. The proposal by reason of its scale, form and prominent location would result in an unacceptable over development of the site that would be detrimental to the character and appearance of the site and the surrounding area contrary to Policies S1, DR1 and H13 of the Herefordshire Unitary Development Plan.**
- 2. The proposal would result in the intensification of the use of the access onto Court Road which by reason of the limited visibility, unrestricted on-street parking and the well trafficked nature of the estate road would be detrimental to highway safety and contrary to Policies DR3 and T8 of the Herefordshire Unitary Development Plan.**

77. DATE OF NEXT MEETING

The Committee noted the date of the next meeting.

APPENDIX 1 - SCHEDULE OF COMMITTEE UPDATES

The meeting ended at 12.20 pm

CHAIRMAN

PLANNING COMMITTEE

24 November 2010

Schedule of Committee Updates/Additional Representations

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

<p>8 DMN/101505/F- Proposed construction of 20 new dwellings and new access road and associated works at Covent Garden, Brockhill Road, Colwall, Herefordshire, WR13 6EY</p> <p>FOR: MR PAUL MCCANN, BANNER HOMES MIDLANDS LTD. 5 BROOKLANDS, MOONS MOAT DRIVE, REDDITCH, WORCESTERSHIRE, B98 9DW</p>

ADDITIONAL REPRESENTATIONS

Further representation from an objector confirming that the applicants had clarified the surface water drainage would not be drained into the Downs School existing system and that they had facilitated discussions with the school to resolve problems with the existing system.

Further letter of objection to the change of surface water outflow not draining into the sports hall drainage and that the foul drainage is still a major issue.

Request for improvements to main road junction are carried out prior to the development commencing and that roads within the vicinity are made residents only parking and that sufficient parking is provided by the school.

The applicants have confirmed that Severn Trent are to undertake improvements to a manhole that is causing problems to reduce blockages and breakouts.

OFFICER COMMENTS

Foul and Surface Water drainage issues have been resolved. Highway improvements will be conditioned to be undertaken prior to the development commencing on-site.

NO CHANGE TO RECOMMENDATION

9 DMS/102345/F- Proposed poultry units extension:- 3 no. replacement units, 3 no. additional units at Upper House Farm, Moreton on Lugg, Herefordshire, HR4 8AH

For: Mr FSH Perkins per Acorus Property Services, Woodthorne Wergs Road, Wolverhampton, West Midlands,WV6 8TQ

ADDITIONAL REPRESENTATIONS

Mrs D Cooke, Yew Tree Cottage, Upper Portway, Burghill, Hereford, HR4 8NG (second letter, received 17 November 2010):

- The green waste site could contribute more buildings, vermin and spores;
- Upper House Farm also runs a B&B;
- St Donats could start quarrying and use the same entrance onto the A49;
- There are seven businesses with large transport coming onto the A49 on a very busy stretch.

OFFICER COMMENTS

The points raised have been addressed within the committee report, including additional comments from the Highways Agency.

NO CHANGE TO RECOMMENDATION

10 DMS/101741/O - Erection of 2 dwellings, construction of new vehicular access and associated works at Moreborough, Ledbury Road, Ross-on-Wye, Herefordshire, HR9 7BE

For: Mr and Mrs Davis per Mr Paul Smith, 12 Castle Street, Hereford, HR1 2NL

ADDITIONAL REPRESENTATIONS

Following re-consultation upon the relocation of proposed dwellings a further 4 letters of objection have been received. Continuing concerns are summarised as follows:-

- new entrance will create additional risk due to location on inside of a sharp bend at entrance to larger development
- slight amendments do not address concerns about proximity to Meadow View and loss of daylight and sunlight
- semi-detached dwellings out of keeping and crammed in
- potential conflict when children are collected from school

NO CHANGE TO RECOMMENDATION