

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;-

MEMBER	SUBSTITUTE
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

