

**MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 18 July 2012 at 10.00 am**

**Present:** Councillor PGH Cutter (Chairman)  
Councillor BA Durkin (Vice Chairman)

**Councillors:** PA Andrews, AM Atkinson, AN Bridges, PJ Edwards, DW Greenow, KS Guthrie, J Hardwick, JW Hope MBE, MAF Hubbard, AW Johnson, Brig P Jones CBE, JG Lester, MD Lloyd-Hayes, G Lucas, RI Matthews, FM Norman and GR Swinford

**In attendance:** Councillors H Bramer, ACR Chappell, MJK Cooper, GJ Powell, R Preece and P Rone

**Councillor JD Woodward**

Members stood for a silent tribute in memory of Councillor JD Woodward who had recently passed away.

**20. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors RC Hunt and PJ Watts.

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

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillors AM Atkinson and AW Johnson attended the meeting as substitute members for Councillors RC Hunt and PJ Watts.

**22. DECLARATIONS OF INTEREST**

The Locum Lawyer (Planning and Regulatory) advised Members that until the new Code of Conduct was adopted by Council, Members should continue to declare both Personal and Prejudicial Interests and that by declaring a prejudicial interest, as set out in the current code of conduct, they would also be declaring a pecuniary interest as defined by the Localism Act.

7. S120539/CD - BLACKMARSTON DAY SCHOOL, HONDDU CLOSE, HEREFORD, HR2 7NX.

Councillor GJ Powell, Prejudicial, The Councillor declared a prejudicial interest as the relevant portfolio holder in accordance with paragraph 7.5.13.7 of the Council's Constitution.

7. S120539/CD - BLACKMARSTON DAY SCHOOL, HONDDU CLOSE, HEREFORD, HR2 7NX.

Councillor MD Lloyd-Hayes, Personal, The Councillor works with disabled children throughout the County.

8. S113607/O - TIDNOR WOOD ORCHARDS, TIDNOR LANE, LUGWARDINE, HEREFORD, HR1 4DF.

Councillor DW Greenow, Personal, The Councillor has previously grazed sheep on the site.

8. S113607/O - TIDNOR WOOD ORCHARDS, TIDNOR LANE, LUGWARDINE, HEREFORD, HR1 4DF.  
Councillor PJ Edwards, Personal, The Councillor is a trustee of the Cider Museum.

9. S121015/N - LAND NORTH OF PENHELIGAN HOUSE, PONTSHILL, HEREFORD.  
Councillor AM Atkinson, Personal, The Councillor is a member of the Wye Valley AONB board.

9. S121015/N - LAND NORTH OF PENHELIGAN HOUSE, PONTSHILL, HEREFORD.  
Councillor J Hardwick, Personal, The Councillor is a member of the Wye Valley AONB board.

9. S121015/N - LAND NORTH OF PENHELIGAN HOUSE, PONTSHILL, HEREFORD.  
Councillor PGH Cutter, Personal, The Councillor is Vice-Chairman of the Wye Valley AONB board.

10. N120896/F - TYRRELLS COURT, STRETFORD, LEOMINSTER, HEREFORDSHIRE HR6 9DQ.  
Councillor DW Greenow, Personal, The Councillor supplies potatoes.

11. N121483/F - SOUTHVIEW, WINFORTON, HEREFORDSHIRE HR3 6EB.  
Councillor JW Hope MBE, Prejudicial, The applicant is the Councillor's niece.

## **23. MINUTES**

**RESOLVED: That the Minutes of the meeting held on 27 June 2011 be approved as a correct record and signed by the Chairman.**

## **24. CHAIRMAN'S ANNOUNCEMENTS**

There were no announcements.

## **25. APPEALS**

The Planning Committee noted the report.

## **26. S120539/CD - BLACKMARSTON DAY SCHOOL, HONDDU CLOSE, HEREFORD, HR2 7NX**

The Principal Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided in the update sheet.

In accordance with the criteria for public speaking, Mrs Bailey, the Head teacher for the school, spoke in support of the application.

Councillor GJ Powell, the Cabinet Member for Education and Infrastructure, addressed the Committee in support of the application in accordance with paragraph 5.13.7 of the Council's Constitution. He commented on a number of issues, including:

- The local authority was committed to providing the best education and care to young people throughout the county.
- Blackmarston School had grown and was still over crowded despite the addition of temporary classrooms.
- The proposed extension would be adequate in addressing the long term growth of the school.

- A new school, as referred to in the previous meeting, would cost in excess of £20m instead of the £4.6m required for the extension to the existing school.
- The updated report detailed the reasons why the proposed sites at Aylestone and Whitecross would not be suitable as well as including an update from Sport England regarding their objection.
- The proposed site was affordable and future proof and should be approved.

Councillor Powell left the Council Chamber immediately after speaking and took no further part in the debate.

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

- The case officer was praised for a thorough report and a recommendation based on her interpretation of the key policies.
- There was a need for a special school and it had to be the best facility available.
- A full investigation had been requested to address concerns throughout the application process.
- Sport England's comments had to be taken into account.
- Public money had to be spent correctly and transparently.
- Meetings of school governors should be more transparent and quarterly reports should be submitted to the Council.

Councillor R Preece, another of the local ward members, commented on a number of issues, including:

- There was clearly no alternative plan, a fact that was confirmed through the additional information submitted following the previous deferral.
- The Council could not afford a new school so the proposed extension to the existing school was in the best interest of all parties.
- There were currently 70 children in a school designed for 40.
- There had been four objection letters received from three neighbouring dwellings, these concerns were valid and needed to be addressed.
- Any screening should be commenced at the earliest opportunity to mitigate the impact on the neighbouring residents.

Councillor P Rone, the other local ward member, also commented on a number of issues, including:

- The choice of which school to send their child to was an important decision to any parent.
- No parent would want to send their child to a school which was above capacity and bursting at the seams.
- The concerns of the three neighbouring residents were valid but were outweighed by the needs of the school.

The Committee noted that the application had been previously deferred pending further discussions with the applicant and Sport England. The updated report addressed the issues in respect of alternative sites and the sustained objection from Sport England to the possible loss of playing field which would occur if the proposed extension was re-oriented.

Members discussed the cost implications in relocating the school to a new location at either Whitecross or Aylestone. A Resolution to Grant Planning permission was moved and seconded on the basis that there were no other suitable and available sites; the proposed redevelopment of the current site was viable, affordable and achievable; there

was an overriding need for the development; that the mitigation measures would reduce the impact on the neighbouring residents so that the impact would not then be significant; and the development would not prejudice amenity of the adjoining land. Therefore the development would be in accordance with Policies DR2 and CF5.

The Committee discussed the policy issues in respect of the application and came to the conclusion that the following Unitary Development Plan policies supported the proposal.

- DR2 – As there was no better use for the land.
- S11 – As the proposal would result in a community facility.
- S1 – As the development was sustainable and met the growing need.
- DR1 – In respect of land use and activity.

It was noted that there would be an impact on the three nearby dwellings who had objected to the application although it was considered that the impact could be mitigated through mature screening and landscaping. Further to this it was proposed and seconded that the three local residents who were most affected and who had objected to the application be consulted in respect of conditions to address their concerns. This consultation was to take place in conjunction with the Chairman and Local Ward Members.

Members discussed the possible increase of traffic on the site and felt that it would be negligible. It was further noted that traffic movements could be greatly increased if the school was relocated and the existing school used for a different purpose. Members also discussed the removal of the Portacabins currently on the site

In response to a question from the Locum Lawyer (Planning and Regulatory), the mover of the motion to approve the application contrary to the recommendation contained within the report stated that the application would not result in a significant impact and was in accordance with policies DR2 and CF5 and that any possible impact could be mitigated. It was also confirmed that the reasons for granting the application were need; the fact that there were no viable alternatives; the development was sustainable and that the proposal would result in a much needed community facility. In response to a further question the Member who had moved the recommendation confirmed that the wording of the decision notice be delegated to officers in consultation with the Chairman and Local Ward Members, and that the wording of the conditions also be delegated in the same manner but with the additional input from the three neighbouring residents who had objected to the application in relation to the specific design of the landscaping and mitigation package..

Councillors Preece, Rone and Chappell were given the opportunity to close the debate. They reiterated their opening remarks and made the following additional comments:

- The decision to defer the application previously was correct as it resulted in a full report coming before the Committee.
- The Council had a responsibility to vulnerable young people throughout the County.
- The decision to include neighbouring residents in consultations in respect of the conditions was correct and welcomed.
- Any screening should be done early in the process to ensure maximum benefit to neighbouring residents.

**RESOLVED:**

**That officers named in the scheme of delegation be authorised to issue planning permission and to finalise the wording of the decision Notice in consultation with the Ward Councillors and the Chair of Planning Committee subject to:**

1. **Any conditions considered necessary by officers including the removal of portacabins currently on the site (screening and landscaping conditions to be discharged in consultation with the three neighbouring residents who had objected to the application).**

**27. S113607/O - TIDNOR WOOD ORCHARDS, TIDNOR LANE, LUGWARDINE, HEREFORD, HR1 4DF**

The Development Manager (Hereford and Southern Localities) gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided in the update sheet. He added that the update sheet contained details of drainage concerns and that the Council were unable to grant permission until these were resolved.

In accordance with the criteria for public speaking, Mr Davies, representing Bartestree and Lugwardine Parish Council, and Mr May, the applicant, spoke in support of the application and Dr Dowling, a neighbouring resident, spoke in objection.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor DW Greenow, the local ward member, commented on a number of issues, including:

- The site visit had been beneficial in making a judgement in respect of the site.
- The comments from the County Land Agent were endorsed.
- Need to take all comments received from all parties into consideration prior to making a judgement.

The debate was opened with a Member of the Committee proposing that the application be approved contrary to the case officer's recommendation. Unitary Development Plan Policy H8 was quoted in support of the application. It was considered that the other reasons for refusal contained within the report could be overcome.

Other Members were of the opinion that the application should be refused in accordance with the recommendation as the need for a dwelling on the site had not been demonstrated and the drainage issues had not been overcome. The impact the development would have on the nearby conservation area was also quoted as a reason for refusing the application.

The Committee discussed the application and had concerns in respect of the drainage on the site and also in respect of the lack of a clear financial case for a dwelling on the site. It was also considered that measures securing the long term retention and management of the orchard should be pursued. The applicant was advised to address these issues in consultation with the case officer prior to the application being brought back before the committee at a later date. The Democratic Services Officer was asked to advise the Committee in respect of the Council's Constitution. He advised that under standing order 4.1.16.24 a motion to adjourn the debate could be moved whilst another motion was under debate.

**RESOLVED**

**That the determination of the application be deferred pending further discussions with the applicant.**

**28. S121015/N - LAND NORTH OF PENHELIGAN HOUSE, PONTSHILL, HEREFORD**

The Principal Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided in the update sheet.

In accordance with the criteria for public speaking, Mrs Lewis, representing Weston Under Penyard Parish Council, and Mr Evans, a neighbouring resident, spoke in objection to the application and Mr Pitt, the applicant's agent, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor H Bramer, the local ward member, commented on a number of issues, including:

- The application site was in the centre of Pontshill.
- The requirement for the water treatment plant was due to the Environment Agency finding the previous septic tank utilised for four former council houses at Woodview unacceptable.
- The proposed water treatment plant should be located at Woodview, and could be sited on part of the large gardens of the four dwellings.
- The report referred to a previous application which was refused on the site, however the reason for refusal on the previous application was highway issues.
- The treatment plant would be more central to the village if situated at Woodview.

In response to comments from the local ward member, the Principal Planning Officer advised that the proposed sewage pumping station could in the future serve the whole village and not just the four dwellings referred to in the report. She added that the site had been proposed as it had an electricity supply and was also near to a watercourse, a requirement for a water treatment plant.

The Committee discussed the application and noted the concerns of the local ward member and the local residents in respect of the location of the proposed facility. However it was further noted that large tankers would have to travel through the village if the facility was relocated to the garden area of the Woodview dwellings as proposed by the local ward member. It was also considered that due to the majority of the treatment plant being underground, the visual impact in respect of the site would be minimal with the highest structure being just 1.45 metres in height.

It was noted that the proposed water treatment plant was a large facility for four dwellings however it was appreciated that Welsh Water were applying for a facility that could meet the future needs for Pontshill.

In response to a question, the Principal Planning Officer advised that the applicant had stated that it would not be technically feasible to move the treatment plant to Woodview due to the lack of a watercourse. Members noted that a plant of the type applied for would not be viable at Woodview but that a biodisc and soakaway system could be viable and could meet the needs for the four dwellings in question.

One member of the Committee noted that the Committee had previously requested mapping information for mobile phone masts and that similar information for sewerage units throughout the county would also be welcomed. He also requested that a notice be put at the water treatment plant giving contact details for the public in case of any fault or emergency at the site.

Councillor Bramer was given the opportunity to close the debate. He reiterated his opening remarks and raised additional points, including:

- The proposed site was inappropriate.
- A solution to the drainage issues of the Woodview residents should be located at Woodview.

**RESOLVED:**

That planning permission be granted subject to the following conditions:

1. **A01 Time limit for commencement (full permission)**
2. **B01 Development in accordance with the approved plans**
3. **No development shall take place unless or until a Ground Investigation has been carried out in accordance with the proposals in section 5 of the submitted Geotechnical Desk Study report dated 27 October 2011 and the results, including any mitigation measures or amendments to the submitted plans and specifications, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved findings.**

**Reason: To ensure a satisfactory form of development in the light of actual ground conditions, to prevent pollution of the water environment, to safeguard the amenity of the area and to comply with the requirements of policies S1, S2, S11, DR4, and CF5 of the Herefordshire Unitary Development Plan.**

4. **Before the development hereby permitted begins, a habitat protection and biodiversity enhancement scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include the following in particular:**
  - (i) **That an appropriately qualified and experienced ecological clerk of works shall be appointed to oversee the ecological mitigation work;**
  - (ii) **That all of the four recommendations set out in the submitted Extended Phase 1 Ecological Survey report (Section 6, page 6) shall be followed in full;**
  - (iii) **Measures to be implemented during the construction phase to protect the watercourse, unaffected length of the roadside wall, and all field margins, hedges and trees, around the application site and including along the route of the cross-field pipeline;**
  - (iv) **Confirmation that construction works will avoid the bird nesting season with particular reference to ground-nesting birds (v)**
  - (v) **Proposals for creating or enhancing biodiversity and habitats**
  - (v) **Timescales for all the above, and provision for review and tool-box talks.**

**The scheme shall be implemented in accordance with the approved details.**

**Reason: To ensure that all species under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulation 2010 are protected; to comply with the National Planning Policy Framework, Circular 06/2009, the NERC Act 2006 and policies NC1, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan.**

5. **Before the development hereby permitted begins a Method Statement for the removal of the section of stone wall required for the new access shall be submitted to and approved in writing by the local planning authority. The Method Statement shall include the following in particular:**

- (i) Preliminary checking of biodiversity associated with the wall, with particular reference to the possible presence of European Protected Species;
- (ii) Protective measures and mitigation to be implemented in the event of such protected species being found to be present;
- (iii) Methodology for dismantling the wall, storage of materials etc;
- (iv) Details of the works necessary to make good the remaining wall and new terminals on both sides of the access;
- (v) An assessment of the volume of surplus stone arising;
- (vi) How the surplus stone and other materials would be disposed of (see informative).
- (vii) Timescales for the above, and provision for review and tool-box talks.

The Method Statement shall be implemented in accordance with the approved details.

**Reason:** To minimise the production of waste, to ensure a satisfactory form of development including in the interests of any European Protected Species, and to ensure compliance with policies S1, S2, S7, S10, DR1, NC1, NC7 and NC9 of the Herefordshire Unitary Development Plan.

**6. G10 Landscaping scheme**

- 7. The development hereby permitted shall not be brought into use unless or until the mitigation measures recommended in the submitted Flood Risk Assessment dated 3 November 2011 (page 10, section 12) are implemented in full.

**Reason:** To ensure satisfactory flood protection measures are in place in accordance with policies S2, DR4 and DR7 of the Herefordshire Unitary Development Plan.

**8. H05 Access gates**

**9. H15 Turning and parking**

**Reason for Approval:**

- 1. The proposal has been considered with regard to the need for the development, its essential nature, the requirements to comply with EU legislation, site choice options, access and highways, landscape and visual impact, pollution prevention, groundwater protection and flood risk. The impact from partial conflict with certain elements of local policies, with particular reference to visual impact and highways concerns, has been carefully considered by the applicant and officers, and moderated and minimised as far as possible by the revised plans. In particular, policies DR1 parts (1) and (2), DR2 part (4), LA2 and CF1 part (1) of the Herefordshire Unitary Development Plan are relevant. Notwithstanding this, the site is small, the identified impacts are limited, and the overriding need for a new sewerage facility to serve Pontshill is a significant material consideration which outweighs any conflict. Various alternative options have been considered by the applicant in terms of site choice and methodology, but the conclusion has been that the scheme as proposed is a viable option for sustainable development, which would meet requirements, would be capable of appropriate mitigation and would comply with relevant legislation. In light of the above, the proposal is



considered to accord overall with policies S1, S2, S11, DR3, DR4, DR7, NC1, NC7, NC8, NC9, CF2 and CF5 of the Herefordshire Unitary Development Plan, and the requirements of the National Planning Policy Framework.

#### **INFORMATIVES:**

1. **The applicant is urged to consider provision of a robust alternative foot/stock bridge over the watercourse at a suitable location to the north/north-west of the proposal site to facilitate movement of livestock for the landowner, in accordance with the details set out in the submitted Design and Access Statement and subject to negotiation with the landowner. The existing stock bridge close to the road bridge should then be decommissioned and removed.**
2. **N11A Wildlife and Countryside Act 1981 (as amended) - Birds**
3. **N11C General**
4. **Required proposals for habitat creation and biodiversity enhancement in condition 4 are acknowledged as likely to be limited to a very small space. However any gesture would be welcomed, such as the planting of fruit trees or a patch of bee-friendly perennial (low maintenance) flowering plants within the compound (if practical to do so). Any further mitigation that may be negotiated with the landowner would also be welcomed in a submitted scheme.**
5. **With regard to point (vi) of condition 5 of this permission, all soils and the materials from the stone wall in particular should remain within the farm holding as a priority. Care is needed to minimise the volume of waste arising from this development and to conserve seedbanks and other biodiversity associated with the wall. Only as a last resort should any material be removed from the holding. Stone may be useful in creating a small habitat area within the application site.**

#### **29. N120896/F - TYRRELLS COURT, STRETFORD, LEOMINSTER, HEREFORDSHIRE HR6 9DQ**

The Principal Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided in the update sheet.

In accordance with the criteria for public speaking, Mrs Ford, a neighbouring resident, spoke in objection to the application and Mr Worrall, representing the applicant, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor MJK Cooper, the local ward member, commented on a number of issues, including:

- The local community supported Tyrell's as a brand and a company but they had clearly outgrown their current site.
- The proposed development would have an impact on neighbouring residents due to traffic, odour, noise and light pollution.
- There had been an improvement in respect of the smell of popcorn in the vicinity recently.
- Tyrell's should look into moving their operation to either the enterprise zone in Hereford or the Enterprise Park in Leominster.

The Committee discussed the application with some members of the opinion that the operation had clearly outgrown its existing site. It was suggested that Tyrell's should therefore seriously consider moving either part of or all of their production to an industrial environment, the Enterprise Park in Leominster was referred to as a suitable location by one Member.

The Committee made significant reference to the transport issues on the site with some members of the opinion that the transport plan should be amended to only allow vehicles to exit the site in one direction. The Development Manager advised the Committee that the Transport Management Plan had been approved via a condition as part of an earlier application and could not be amended through the current application.

The issue of odour was discussed but members were advised that existing odour issues on the site could not be addressed as part of the application in front of them and that they needed to therefore determine the application on its merits.

Councillor Cooper was given the opportunity to close the debate. He reiterated his opening remarks and raised additional points, including:

- There was a clear odour of popcorn in the vicinity of the site.
- The Council should support local enterprises but Tyrell's had become a full scale production site.
- There would be further applications on the site in the future.
- Tyrell's should be encouraged and supported in moving their enterprise to a purpose build facility.

A motion to approve the application in accordance with the case officer's recommendation was lost. The Committee debated the possibility of refusing the application due to it being contrary to Unitary Development Plan Policies T8 and DR4 but were advised that neither reason would be defensible at a planning appeal. The Committee therefore deferred the item for further information.

## **RESOLVED**

**That the determination of the application be deferred for further information.**

### **30. N121483/F - SOUTHVIEW, WINFORTON, HEREFORDSHIRE HR3 6EB**

The Principal Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided in the update sheet.

## **RESOLVED:**

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

- 1. A01 Time limit for commencement (full permission)**
- 2. B01 Development in accordance with the approved plans**
- 3. The external colour of the roof shall be coloured a dark grey colour, or other dark colour approved in writing with the local planning authority prior to any development on site.**

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

**Reason for Approval:**

1. **The development is of a scale and design considered acceptable for the location of the development with no significant adverse impact on the surrounding landscape with adequate justification for the requirement for the development.**

**The development considered acceptable in relationship to surrounding residential amenity and privacy issues, and is also considered satisfactory in relationship to public highway issues.**

**The development is considered to be in accordance with policies of the Herefordshire Unitary Development Plan, key policies of which are Policies S1, DR1, DR2, E13 and LA2. The development is also considered to be in accordance with the National Planning Policy Framework.**

**31. DATE OF NEXT MEETING**

The Planning Committee noted the date of the next meeting.

**APPENDIX 1 - SCHEDULE OF COMMITTEE UPDATES**

The meeting ended at 1.45 pm

**CHAIRMAN**



# PLANNING COMMITTEE

18 July 2012

## 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.

**7 S120539/CD - AN EXTENSION, PART SINGLE STOREY AND PART DOUBLE STOREY TO EXISTING SCHOOL BUILDING, WITH ASSOCIATED LANDSCAPING AND INCORPORATING AMENDMENTS TO LAYOUT AND APPEARANCE OF EXISTING SCHOOL AT BLACKMARSTON DAY SCHOOL, HONDDU CLOSE, HEREFORD, HR2 7NX**

**For: Property Services, Herefordshire Council per Amey Consulting, Explorer 2, Fleming Way, Crawley, W Sussex, RH10 9GT**

### ADDITIONAL REPRESENTATIONS

Following further discussion with Sport England, the following confirmation of the Sport England position has been received:

**From:** John Berry  
**Sent:** 16 July 2012 15:41  
**To:** Reid, Robert  
**Subject:** FW: Blackmarston School, Hereford

Dear Rob,

These were our comments from a year ago as discussed. Our initial thoughts, which I expressed in my email, have not changed. In fact, since that initial assessment I believe that the Council's draft playing pitch strategy has identified a shortage of junior and mini playing pitches in Hereford City. In more recent correspondence, my colleague Maggie Taylor rightly indicated that we would be willing to consider further the suggestion that recent tree planting had ruled out the use of the boundary of the Marlbrook Primary School playing field for use for a playing pitch and/or run-off area. The photographs of the newly planted line of trees have been helpful. I do not believe that this very recent planting scheme alters my initial assessment under exemption E3, that the affected area appears capable of being used for a playing pitch. The trees are young and could be moved, as they would need to be in order to build on this area.

We appreciate the need and urgency for the extension to Blackmarston School, but our initial thoughts remain valid and a scheme which once again proposes building onto the Marlbrook Primary School playing field would leave us with no alternative but to object.

Regards  
John

**8 S113607/O - PROPOSED THREE BEDROOM DETACHED AGRICULTURAL DWELLING AT TIDNOR WOOD ORCHARDS, TIDNOR LANE, LUGWARDINE, HEREFORD, HR1 4DF**

**For: Mr Henry May, Knockmoyle, Strone, Dunoon, Argyll, PA23 8TB**

**ADDITIONAL REPRESENTATIONS**

Since the publication of the Committee report, the applicant has sent 2 further letters dated 8 and 11 July. These largely concern the issues of the discharge of phosphates to the River Lugg/Wye.

The first draws attention to the granting of planning permission for the Hereford Rugby Club development and suggests that his application is being treated unfairly by comparison given its limited size. It is also critical of local comments about the motivation for obtaining planning permission for the new house, which is described as “smear”

The second letter concerns the applicant’s criticism of the objection raised by Councils Ecologist and requests that the determination of the application is held in abeyance pending a satisfactory response.

The Council has now completed a Habitat Regulations Assessment Screening Report. This concludes that in the absence of technical information relating to projected flow rates and

phosphate outputs associated with the existing Klargester system coupled with the proximity of the site to the River Lugg, there is uncertainty and therefore a potential risk of adverse impacts on water quality. The Screening Report therefore concludes that there would be likely significant effects upon the River Lugg and River Wye Special Area of Conservation substantiating the fourth refusal reason.

The Screening Report has been forwarded to Natural England for comment and it is suggested that the issuing of any decision should await the outcome of this.

**OFFICER COMMENTS**

The applicants own efforts to address the phosphate output issue are acknowledged, but it remains the case that further technical evidence and possibly further mitigation is required to provide sufficient comfort that the water quality of the River Lugg will not be subjected to further phosphate discharges. The current situation is such that permission cannot be granted until such time as this matter has been addressed

**CHANGE TO RECOMMENDATION**

It is recommended that the reasons for refusal set out in the report should remain pending the final response from Natural England.

**9 S121015/N- SEWAGE PUMPING STATION, INCLUDING CONTROL KIOSK AND ASSOCIATED WORKS AT LAND NORTH OF PENHELIGAN HOUSE, PONTSHILL, HEREFORD**

**For: Dwr Cymru Welsh Water per Mr Allan Pitt, 4 Pierhead Street, Cardiff, Glamorgan, CF10 4QP**

**ADDITIONAL REPRESENTATIONS**

1. An email has been received on behalf of the residents of the thirteen properties at Coughton Brook Close, in support of the proposal and reiterating comments made previously. High costs for maintaining existing non-mains sewerage (biodisc) arrangements are cited, and affirmation that these residents would be interested in their properties being linked up to the proposed system.
2. The Senior Ecologist has confirmed verbally that her earlier comments relating to the possible presence of European Protected Species (Great Crested newts) were precautionary. She has also confirmed that the presence of newts is unlikely since they do not habitually use watercourses in their aquatic phases.
3. The Drainage Advisor has commented that the Flood Risk Assessment is satisfactory and almost all of the site is in Flood zone 1. No objections.

**OFFICER COMMENTS**

1. The email confirms support from residents in Coughton Brook Close. It does not raise any new issues but highlights the range of local views on this proposal.
2. Following discussion with the Senior Ecologist to clarify her comments, minor amendments to proposed Condition 5 to remove references to European Protected Species as this is now deemed unnecessary.
3. No further comments on drainage
4. Minor typographical corrections: on page 40 of the Agenda, the reference to PPS10 should be numbered 2.4 and the reference to the Herefordshire Unitary Development Plan should be numbered 2.5, and on page 48 the Reason for proposed Condition 4 should read 'Circular 06/2005'

**NO CHANGE TO RECOMMENDATION**

**10 N120896/F - CHANGE OF USE OF BUILDING 1 FROM AGRICULTURAL BUILDING TO STORAGE; CHANGE OF USE AND ADAPTATION OF OLD FACTORY BUILDING (BUILDING 2) FROM OFFICES AND STORAGE TO OFFICES, STORAGE AND MANUFACTURING AT TYRRELLS COURT, STRETFORD, LEOMINSTER, HEREFORDSHIRE HR6 9DQ**

**For: Tyrells Potato Crisps per Drivers Jonas Deloitte, 4 Brindley Place, Birmingham, West Midlands, B1 2HZ**

### **ADDITIONAL REPRESENTATIONS**

A further letter has been received from Mr & Mrs Cooke, Boxers Castle, Stretfordbury reiterating their objections on highway safety grounds. The letter includes photographs showing congestion caused on two occasions when vehicles have met in the lane.

### **OFFICER COMMENTS**

The traffic issues that are highlighted relate to the authorised use of the site for the production of potato crisps. The transport assessment submitted with the application concludes that the traffic movements created by additional employees (5-6 people) will be negligible, and that there will not be any cumulative increase in HGV movements. These findings are accepted and it is concluded that this application will not give rise to any demonstrable detriment to highway safety when considered cumulatively with the existing use of the site. However, it is considered reasonable to require that this proposal should adhere to the Transport Management Plan approved under application DCNW/100313/F and the imposition of an additional condition is recommended to reflect this.

It should be noted that the site falls within the River Lugg catchment. However, the whole site drains to an existing cess pit which is emptied on a regular basis. The plans indicate that there is no discharge to the River Lugg. The proposal is for a change of use of the two buildings. The surface water from both currently drains to the existing cess pit and this will remain unchanged. The plans do not show the installation of additional toilet or washroom facilities and therefore the proposal does not give rise to any water quality issues. The recommendation includes a condition to ensure that the development is carried out in accordance with the approved plans, and this includes drainage arrangements.

### **CHANGE TO RECOMMENDATION**

It is recommended that the following condition is added:

The development hereby approved shall be carried out in accordance with the Transport Management Plan as approved under application DCNW/100313/F.

Reason: In the interests of highway safety and to comply with Policies DR3 and T8 of the Herefordshire Unitary Development Plan.

It is also recommended that the following sentence is added to the Reasons for Approval:

All other matters that are material to this application have been considered and the proposal is considered to accord with the Herefordshire Unitary Development Plan in all other respects.



**11 N121483/F - ERECTION OF AGRICULTURAL STORAGE / GENERAL PURPOSE BUILDING AT SOUTHVIEW, WINFORTON, HEREFORDSHIRE HR3 6EB**

**For: Mr & Mrs N Cooke, Southview, Winforton, Herefordshire, HR3 6EB**

**ADDITIONAL REPRESENTATIONS**

Eardisley Group Parish Council raise no objections to the proposed development.

**NO CHANGE TO RECOMMENDATION**

