

MINUTES of the meeting of Planning Committee held at The Shire Hall, St Peter's Square Hereford HR1 2HX on Wednesday 19 November 2014 at 10.00 am

Present: Councillor PGH Cutter (Chairman)
Councillor PA Andrews (Vice Chairman)

Councillors: AJM Blackshaw, AN Bridges, EMK Chave, BA Durkin, PJ Edwards, DW Greenow, KS Guthrie, J Hardwick, JW Hope MBE, MAF Hubbard, JG Lester, RI Matthews, RL Mayo, PJ McCaull, FM Norman, J Norris, TL Widdows and DB Wilcox

Councillor LO Barnett

The Committee stood in silence in memory of Councillor LO Barnett, Chairman of the Council, who had recently died.

100. APOLOGIES FOR ABSENCE

There were no apologies.

101. NAMED SUBSTITUTES

There were no named substitutes.

102. DECLARATIONS OF INTEREST

Agenda item 7: P141024 Land at Flag Station, Mansell Lacy

Councillor AJM Blackshaw declared a non-pecuniary interest because he knew the father of one of the applicants through that person's role as Chairman of the Parish Council and through his own role as ward councillor.

Councillor PJ Edwards declared a non-pecuniary interest because he knew the applicant and some objectors.

Councillor J Hardwick declared a non-pecuniary interest because he knew the applicant.

Councillor RI Matthews declared a non-pecuniary interest because he knew the applicant and some objectors.

Agenda Item 8: P141550/O Land West Of Upper Court Road Bosbury

Councillor EMK Chave declared a disclosable pecuniary interest because the Church Commissioners have a fiduciary responsibility to her husband regarding his stipend as a Church of England Clergyman and to herself as potentially in receipt of a pension relating to past service as an employee of the Commissioners. She left the meeting for the duration of the item.

Agenda item 9 – P142450/O Myrtleford Cottage, Ledgemoor, Weobley

Councillor AJM Blackshaw declared a non-pecuniary interest because he knew the applicant through his role as ward councillor.

Agenda item 10 – P141830/O Court Farm, Much Birch

Councillor DW Greenow declared a non-pecuniary interest because he knew the applicant.

Councillor J Hardwick declared a non-pecuniary interest because he knew the applicant.

103. MINUTES

RESOLVED: That the Minutes of the meeting held on 29 October 2014 be approved as a correct record and signed by the Chairman.

104. CHAIRMAN'S ANNOUNCEMENTS

The Chairman reminded Members of the advice note that had been issued by the Assistant Director – Economic, Environment and Cultural Services on the weight that could be given to the submitted Local Plan and emerging neighbourhood plans when considering planning applications.

105. APPEALS

The Planning Committee noted the report.

106. P141024/F LAND AT FLAG STATION, MANSELL LACY, HEREFORD, HR4 7HN

(Proposed erection of 4 nos. Poultry buildings, associated feed bins, hard-standings and access road.)

The Development Manager gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes. This included a proposed addition to conditions 16 and 17 set out in the recommendation.

In accordance with the criteria for public speaking, Mr B Barrett, Clerk to Foxley Group Parish Council, spoke in support of the Scheme. Mrs P Powell and Mr D Palmer, local residents, spoke in objection. Mr J Davenport, the applicant and Mr T Powell, the farmer who would run the poultry unit, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, the local ward member, Councillor AJM Blackshaw, spoke on the application.

He commented on a number of issues including:

- The application raised a number of complex issues and he had consulted widely to gain an understanding of them.
- He highlighted the consultation summary at section 4 of the report. He observed that there were no objections from the statutory consultees or from the internal consultees provided certain mitigating action was taken.
- Foxley Group Parish Council had raised no objections.

- Bishopstone Parish Council had opposed the application. However, he considered that the grounds for their opposition were addressed by measures proposed in the report.
- The National Farmers Union supported the application, commenting on population growth and the demand for chicken meat.
- Cargill made a significant contribution to the local economy.
- The Campaign to Protect Rural England had asked that consideration be given to the impact on tourism. In his view the letter of support referred to at paragraph 5.7 of the report demonstrated that poultry sheds were not incompatible with tourism.
- The points raised in letters of objection were addressed within the report.
- The Environmental Permit had been issued for a development of up to 250,000 birds. The planning application was for 180,000. Any increase in the size of the development would require a further planning application.
- The reduction in food miles, sustainability and traceability of food, animal husbandry and health benefits of chicken meat, noting consumer confidence in British chicken, were arguments in support of the application.
- The diversification would sustain a respected family business and secure its future.

The debate opened and the following principal points were made:

- Concerns from residents about the proximity of the development to their residences were acknowledged. However, the technical evidence set out in the report and the comments of the Environment Agency suggested that the application could and should be supported. The officer recommendation was moved and seconded.

A number of points were advanced as grounds for refusing the application and a motion for refusal was moved and seconded:

- Details of the application had kept changing.
- There were a number of properties in proximity to the development within 400 metres of the proposed site boundary.
- The development was in conflict with tourism and the holiday business run from Shetton Barns.
- There was concern about a lack of information in the application and whether procedures had been followed.
- There must be a more suitable site within the estate.
- Leaf fall would remove screening making the site more visible.
- The type of heating used in the poultry sheds, which was not yet confirmed, would have a bearing on the amount of odour generated.
- It was questioned how water could be discharged from the proposed attenuation pond into the Yazor Brook, as proposed, when the adjoining landowner had indicated they would not permit the necessary link to cross their land.
- The site was susceptible to flooding.

A number of further comments were made in debate:

- With reference to the Environment Agency's comment at paragraph 4.3 of the report, paragraph 1, and the Agency's consultation with the Council's Planning Services and Environmental Health, it was asked what was meant by the phrase "*no issues were received.*" The Environmental Health Officer commented that where there was no existing permitted activity it was not possible for the Authority to comment on such consultations. As he had previously stated, the Environment Agency could suspend or revoke a permit.
- Appropriate consideration had been given to the possibility of identifying an alternative site within the estate.
- The development would contribute to the local economy.
- Providing chickens locally to supply Cargill would contribute to animal welfare and reduce road transport.
- Chicken manure was also a useful product. It was noted that it was proposed that removal of manure from the site would be governed by condition.
- It was not accepted that the development would have an adverse effect on tourism. Technology had made the management of noise and odour much more effective.
- The assessments of noise and odour had been based on no property being within 400 metres of the site's boundary. It was asked whether sufficient account had been taken of the fact that there were properties within 320 metres of the development. The Environmental Health Officer commented that even if properties were within 200 metres of the development the assessment was that noise and odour levels would be acceptable.
- Clarification was sought on the respective roles of the Environment Agency and the local authority in enforcing noise and odour controls. The Environmental Health Officer commented that any issue of nuisance would be controlled by the Environmental Permit and it would be the responsibility of the Environment Agency to take any enforcement action. The Agency had confirmed that it had the power to suspend or revoke a permit. The Head of Development and Environmental Health added that the statutory nuisance provisions would not apply to any of the operations covered by the Environmental Permit. They would apply to aspects of the development not covered by the permit. He was not aware of a permit for a poultry unit having been revoked but the Agency had the power to do so.
- The Head of Development Management and Environmental Health confirmed that if the applicant wanted to increase the size of the development, beyond the 180,000 birds specified in the planning application, a further planning application would have to be submitted and new noise and odour assessments undertaken.
- Looking to the future, the Council's planning policies needed to take account of the conflict between intensive farming and tourism and the cumulative impact of such developments.
- There should be a nutrient management plan to ensure that the waste from such developments was not having an adverse effect on water quality.
- Appropriate weight needed to be given to the development's impact on local businesses and residents.

- The type of development in question was inimical to animal welfare.
- Tourism generated far more income for the County's economy than agriculture did. It was wrong, as in this case, to promote one business to the detriment of another.
- The Environmental Health Officer commented that whether radiators or mobile gas heaters were used would have no significant bearing on odour. If the system being used was causing a problem the Environment Agency could require a different method to be used.
- It was noted that, as stated in the update, in terms of access to Yazor Brook for drainage, if necessary, other alternative access points were available and could be considered under the relevant drainage condition.
- The Development Manager had provided clarification of the development's location in relation to neighbouring properties in his presentation. He commented that the policy that special consideration be given to proposals where residential or other protected buildings were within 400 metres of such a development had originated in the permitted development order. Any development where relevant types of property were within 400 metres of such a development required planning permission. It did not mean that such development was prohibited but that special consideration needed to be given to it.
- The Planning Lawyer clarified that the reason the previous approval of the application had been quashed and the application had been brought before the Committee was because there had been procedural error. The merits of the application had not been tested. She cautioned that, of the grounds advanced for refusal, the suggestion that there had been insufficient detail provided and that there had been changes to the application would be difficult to defend given that expert opinion had addressed such matters. If any issues could be addressed by condition an application should not be refused on those grounds alone.
- It was suggested that officers should be requested to establish, in consultation with the Chairman and local ward member, whether additional or strengthened conditions were necessary in respect of the heating system to be used and odour management and noise management plans.

The Planning Lawyer commented that the Committee had to consider the merit of the application before it. It had been advised that there were acceptable enforcement powers available to the Environment Agency and the Council. Expert opinion had identified little concern about the development. Those issues that had been raised could be addressed by conditions.

The local ward member was given the opportunity to close the debate. He commented that the applicant had supplied all the details that had been requested and had consulted widely. Odour would rarely be detectable. The tourism business referred to was upwind of the prevailing wind. Tourism and farming were not mutually exclusive. The site was surrounded by mature trees. There were no planning grounds for refusal.

RESOLVED: That officers named in the Scheme of Delegation to Officers are authorised to grant full planning permission, subject to the conditions below and any other further conditions considered necessary, in particular exploring, after consultation with the Chairman and local ward member, whether any additional or strengthened conditions were necessary in respect of the proposed heating system, and odour management and noise management plans:

1. **A01 Time limit for commencement (full permission)**
2. **B02 Development in accordance with approved plans and materials and limited to 180,000 bird places.**
3. **Notwithstanding the approved plans all the external colouring of the feed silos hereby approved shall be to colour code 'Juniper Green' (BS12B29).**

Reason: With consideration to the impact on the surrounding landscape and to comply with Policies DR1 and LA2 of the Herefordshire Unitary Development Plan.

4. **H13 Access, turning area and parking**
5. **Prior to the commencement of the development hereby permitted, full details of all external lighting to be installed upon the site (including upon the external elevations of the buildings) shall be submitted to and be approved in writing by the local planning authority. No external lighting shall be installed upon the site (including upon the external elevations of the buildings) without the prior written consent of the local planning authority. The approved external lighting shall be installed in accordance with the approved details and thereafter maintained in accordance with those details.**

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

6. **I55 Site Waste Management**
7. **L04 Comprehensive & Integrated draining of site**
8. **All manure moved off site will be so in covered and sealed trailers.**

Reason: In consideration of the amenity of the surrounding area and to comply with Policy DR4 of the Herefordshire Unitary Development Plan (and the National Planning Policy Framework).

9. **G02 Retention of trees and hedgerows**
10. **G04 Protection of trees/hedgerows that are to be retained**
11. **G10 Landscaping scheme**
12. **G11 Landscaping scheme - implementation**
13. **G14 landscape management plan**
14. **On commencement of the development, the mitigation as proposed must be carried out in accordance with Recommendations 1 to 4 set out in the ecologist's badger report submitted in support of the application from Betts Ecology dated March 2014. An appropriately qualified and experienced 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 of Habitats and Species Regulations 2010 and Policies NC1, NC6, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of the National Planning Policy Statement and the NERC Act 2006.

- 15. The recommendations set out in section 7.4 the ecologist's report from Bretts Ecology dated September 2013 must be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a habitat protection and enhancement scheme must be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved. An appropriately qualified and experienced ecological clerk of works must 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 of Habitats and Species Regulations 2010 and Policies NC1, NC6, NC8 and NC9 of Herefordshire Unitary Development Plan, in relation to Nature Conservation and Biodiversity and to meet the requirements of the National Planning Policy Framework and the NERC Act 2006.

- 16. No development will take place until the developer has provided detailed construction drawings of the proposed surface water outfall to the receiving watercourse to be submitted to and approved in writing by the Local Planning Authority.**

Reason: To ensure the integrity of the receiving watercourse and to comply with Policies DR4 and DR7 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework. Development shall be undertaken in accordance with the approved details and retained as such thereafter.

- 17. No development will take place until the developer has provided detailed construction drawings of the proposed attenuation structure to be submitted to and approved in writing by the Local Planning Authority. The details submitted must include information pertaining to the depth, levels and dimensions of the structure.**

Reason: To ensure that the development has sufficient capacity to attenuate surface water runoff up to and including the 1% annual probability event (including climate change allowance) to ensure no increased flood risk to people of property elsewhere and to comply with Policies DR4 and DR7 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework. Development shall be undertaken in accordance with the approved details and retained as such thereafter

- 18. Prior to the commencement of development, details of the design and location of the waste water storage tanks are to be submitted to**

and approved in writing by the Local Planning Authority, the development shall thereafter be carried out in accordance with the approved scheme.

Reason: To ensure the effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system so as to comply with Policy CF2 of Herefordshire Unitary Development Plan and the National Planning Policy Framework.

- 19** There shall be no HGV movements on site between the hours of 7pm to 7am, except for the collection of birds.

Reason: To safeguard the amenity of the area so as to comply with policy DR13 of the Herefordshire Unitary Development plan.

INFORMATIVES:

- 1.** The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy Environmental Information and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 2.** HN05 Works within the highway
- 3.** N11A Wildlife and Countryside Act 1981 (as amended) - Birds
- 4** This permission does not extend to the provision of a biomass boiler, a separate application for which would be required.

(The meeting adjourned between 11.30 and 11.40am.)

107. P141550/O LAND WEST OF UPPER COURT ROAD, BOSBURY, LEDBURY, HEREFORDSHIRE

(Proposed site for up to 46 dwellings, new access from upper court road, with open space, parking and associated infrastructure.)

(Councillor Chave declared a disclosable pecuniary interest and left the meeting for the duration of this item.)

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, as appended to these Minutes. He reported that the update included an objection to the application from English Heritage.

In accordance with the criteria for public speaking, Mr P Whitehead, of Bosbury and Coddington Parish Council spoke in opposition to the Scheme. Mr M Hosking, a local resident, spoke in objection. Mr B Simpson, the applicant's agent spoke in support.

The Chairman reported that neither Councillor CNH Attwood, nor Councillor AW Johnson were able to attend the meeting. He had been asked to read a statement on

their behalf, in accordance with paragraph 4.8.2.2 of the Council's Constitution providing for local ward members to speak on applications.

The principal points in the statement were:

The objections from a clear majority of residents fell into 2 main categories:

1. Scale -Bosbury is a linear village of 100 houses in a conservation area. Remaining homes are scattered in outlying areas. 46 additional houses represents a 46% increase which can only be described as excessive. The village has one oversubscribed school and a pub. No shop, post office or other community asset except a Village Hall.

Almost all residents are in favour of growth and have no in principle objection to the proposed site. The scale of this proposal however would have a dramatic effect on the village and could certainly not be described as sustainable by any meaningful definition. There are numerous small sites suitable for development within the village which, collectively, could satisfy growth requirements in a much more absorbable way.

2. Flooding - Despite claims by the Environment Agency and Severn Trent to the contrary, flooding is a serious problem in this low lying village. The proposed site slopes continuously down to the access lane. That lane slopes down from the main road to its lowest point immediately adjacent to the school and then rises beyond that point. The attenuation pond would be sited further along the lane, on higher ground. The school playground already floods from run off from the proposed site. Additional run off from this development is certain hence the attenuation pond. The pond is to be sited on higher ground yet the Environment Agency do not consider it to be a problem.

Both scale and flood control could be accommodated by a reduced number of houses all sited on the higher side of the field with the lower half reserved for a proper sized pond for flood attenuation. This is where the water currently collects and will increasingly collect without effective attenuation should this application be approved.

The Committee was requested to reject the proposal and ask the applicant to modify the proposal as suggested.

The debate opened and the following principal points were made:

- Bosbury was an iconic Herefordshire village, part of what made the County attractive for tourism. The Church of the Holy Trinity was a grade 1 listed building. The village contained a number of other listed buildings. The Conservation Manager (Historic Buildings) had commented in the report that the development would adversely affect the character and appearance of the conservation area, contrary to policy HBA6. English Heritage had also now submitted an objection. It was suggested that policy HBA 4 was also a ground for refusal and that relevant paragraphs of the NPPF notably paragraphs 60, 61, and 131 were also grounds for refusal, outweighing the absence of a five year housing land supply.
- The proposed increase in the size of the village of 46% was excessive. The draft core strategy identified that 14% growth over the period 2011-2031 would be proportionate. A smaller development might have been supported.
- It was to be regretted that although the Parish Council had submitted a Neighbourhood Plan the Committee was being advised that no weight could be given to it.
- The access road was of concern as was flooding.
- There would be a significant, detrimental effect on the character of the area.

The Chairman closed the debate on behalf of the local ward members. He reiterated their request that the Committee reject the proposal and that the applicants modify their proposal. (The Chairman also indicated that, having fulfilled the local ward member role, he would not vote on the application.)

The Development Manager cautioned that he had concerns about pursuing reasons for refusal on the technical grounds of access and flooding. However, policies relating to the development's impact on the character and setting of the village and its relationship with the conservation area and listed buildings would represent defensible grounds for refusal.

The Planning Lawyer, having regard to relevant policies, supported the view that the effects on the character and setting of the village with special regard to the setting of listed buildings had sufficient evidence as grounds for refusal.

RESOLVED: That planning permission be refused on the grounds set out below and officers named in the scheme of delegation be authorised to finalise the drafting of the reasons for refusal for publication: policies relating to the development's impact on the character and setting of the village and its relationship with the conservation area and listed buildings including HBA4 – setting of listed buildings, HBA6 – new development within conservation areas, and taking account of relevant paragraphs of the National Planning Policy Framework notably 60, 61, and 131.

INFORMATIVE

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and other material considerations and identifying matters of concern with the proposal and discussing those with the applicant. However, the issues are so fundamental to the proposal that it was not possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified approval has not, in this instance, been possible.

108. P142450/O MYRTLEFORD COTTAGE, LEDGEMOOR, WEOBLEY, HR4 8RJ

(Site for erection of dwelling.)

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, as appended to these Minutes.

In accordance with the criteria for public speaking, Mr C Goldsworthy, the applicant's agent spoke in support of the application.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, the local ward member, Councillor AJM Blackshaw, spoke on the application.

He commented on a number of issues including:

- The applicant needed support to continue to live independently. Her daughter, a nurse at Hereford hospital, could provide this if the proposed dwelling were permitted.
- The Parish Council supported the application. There were letters both in support and in objection.
- There was a satisfactory access.

- He considered the site was within a settlement and did not agree that it contravened policy H7. He considered the development represented sustainable development in accordance with paragraph 55 of the NPPF. Such developments of good design would contribute to the housing supply.

The debate opened and the following principal points were made:

- The view was expressed that the development did represent sustainable development and should be supported. It should be acknowledged that there would be reliance on use of the private car in some locations.
- The importance of meeting social need by facilitating provision of care and support to people in their own homes also needed to be given weight.
- It was important that where an exception to policy was made the design of any property was of the highest standard.
- In relation to whether an annex should be considered rather than a separate dwelling the Development Manager commented that a condition to that effect could not be sustained if circumstances changed given that the proposal was entirely self contained and set within its own plot.

The local ward member was given the opportunity to close the debate. He reiterated that he considered the development was sustainable.

RESOLVED: That officers named in the Scheme of Delegation to officers be authorised to grant planning permission subject to conditions considered necessary and to finalise the drafting of the decision on the grounds that the development was sustainable and that it would provide social benefit facilitating the provision of care and support.

INFORMATIVE

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. The Planning Committee considered that the modest economic and social benefits that can be attributed to the development would outweigh the unsustainable location in this instance. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

109. P141830/O COURT FARM, MUCH BIRCH, HEREFORDSHIRE, HR2 8HT

(Site for 18 no. Dwellings, associated car parking, access and landscaping.)

The Senior 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, as appended to these Minutes.

In accordance with the criteria for public speaking, Mrs D Hadley, a local resident, spoke in objection. Mr D Benbow, the applicant's agent, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, the local ward member, Councillor J Norris spoke on the application.

He commented on a number of issues including:

- The Parish Council had no objection.

- There were concerns about the access which was a narrow road in disrepair. There was a Doctors' surgery in that location and insufficient parking space.
- Traffic would have to queue on the A49 waiting to turn into the narrow access road.
- Residents of the development would have to cross a fast stretch of the A49 to access amenities.
- He hoped the applicant would release land to provide more parking spaces and so reduce queuing. He also hoped the applicant would ensure the development was of good design and constructed to code 4 of the code for sustainable homes standard.

The debate opened and the consensus was that the development was sustainable, on a brownfield site, would meet a housing need, and should be supported.

It was requested that efforts be made to seek to secure a crossing over the A49 and a 30mph speed limit.

RESOLVED: That subject to the completion of a Section 106 Town & Country Planning Act 1990 obligation agreement in accordance with the draft Heads of Terms appended to the report, officers named in the Scheme of Delegation to Officers are authorised to grant outline planning permission, subject to the conditions below and any other further conditions considered necessary:

1. **A02 - Time limit for submission of reserved matters (outline permission)**
2. **A03 - Time limit for commencement (outline permission)**
3. **A04 - Approval of reserved matters**
4. **A05 - Plans and particulars of reserved matters**
5. **B01 - Development in accordance with the approved plans**
6. **F08 – No conversion of garage to habitable accommodation**
7. **F14 – Removal of permitted development rights**
8. **G11 – Landscaping scheme - implementation**
9. **H03 - Visibility splays**
10. **H06 - Vehicular access construction**
11. **H11 - Parking - estate development (more than one house)**
12. **H17 - Junction improvement/off site works**
13. **H18 - On site roads - submission of details**
14. **H19 - On site roads - phasing**
15. **H20 - Road completion in 2 years**
16. **H21 - Wheel washing**
17. **H29 - Secure covered cycle parking provision**
18. **I16 – Restriction of hours during construction**

19. I18 – Scheme of foul drainage disposal
20. K4 – Nature Conservation – Implementation
21. C01 - Samples of external materials

INFORMATIVES:

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. N11C – General
3. HN05 – Works within the highway (Compliance with the Highways Act 1980 and the Traffic Management Act 2004)
4. HN07 – Section 278 Agreement
5. HN08 – Section 38 Agreement & Drainage details

110. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

Appendix 1 - Schedule of Committee Updates

The meeting ended at 1.25 pm

CHAIRMAN

PLANNING COMMITTEE

Date: 19 November 2014

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.

SCHEDULE OF COMMITTEE UPDATES

P141024/F - PROPOSED ERECTION OF 4 NOS. POULTRY BUILDINGS, ASSOCIATED FEED BINS, HARD-STANDINGS AND ACCESS ROAD AT LAND AT FLAG STATION, MANSELL LACY, HEREFORD HR4 7HN

For: Mr Davenport per Mr Ian Pick, Llewellyn House, Middle Street, Kilham, Driffield, YO25 4RL

ADDITIONAL REPRESENTATIONS

Further representations have been received from Marches Planning and Property Consultancy (Marches PPC) including criticism of the Acoustic Note NO 01 submitted in support of the application, including reference to BS4142:2014 published in October and errors in distances to properties, size of buildings and distorted photos. Other comments summarised as follows:

It maintains that the land is grade 1 (excellent).

Concern that use of mobile gas heaters will increase odour and noise, whereas the Environmental Statement refers to radiators.

Change from individual control rooms to a single one.

Performance element of condition 16 and 17 missing.

Offer of condition on night time vehicle movements indicates unacceptable noise at night.

Conservation officer refers only to visual impacts, not odour impact on Flag Station
Letter of support given more prominence than objections.

Continues to breach EIA regulations by not fully disclosing proposal with reference to the 257,000 birds in the Environmental Permit.

Pamela and Derek Powell raise concern regarding drainage and that link from attenuation pond to Yazor brook crosses their land. They confirm that they would not give permission for this and a condition cannot be imposed over third party land.

The applicant's agent comments with reference to the Agricultural Land Classification Issue, the map provided by Marches PPC is a generalised guide to land classification within the area, but is not accurate on a field by field basis. Whilst parts of the applicant's holding are Grade 1 land, this individual field is the worst field on the farm. In terms of the assessment criterion for Agricultural Land Classification it can be no higher than Grade 3b.

In response to the use of mobile gas heaters the agent advises that the applicant is happy to use radiators with a gas boiler in each control room.

The agent also refers to the permission for conversion for Shetton Barns which was for 7 dwellings. Whilst the use for holiday purposes is not necessarily a change of use the intensification and change of use to a leisure complex and wedding venue has occurred and is therefore in contravention of the planning permission. An investigation of this by the enforcement section is requested.

The Environment Agency advises:

I have been contacted a number of times by Helen Hamilton from Marches PPC in relation to a number of poultry applications in Herefordshire (Flag Station, Milton Farm, Chances Pitch etc.). There have been a few sites recently, regulated by the EA that we have not objected to through the planning process. In an ideal world we would provide detailed comments on both the planning and permitting side of things but currently we do not duplicate this work and leave the assessment to our Permitting colleagues. This approach has been discussed, but I am just emailing you to clarify. Whilst we are not objecting there are nuisance issues you may pick up with your own Public Protection team but I note, from Mr Trezins comments that he would not consider objecting.

The Environmental Health Officer advises: he has considered the criticism of the noise report by Marches PPC and advises that it does not raise any issues that are of material consequence. In particular, he comments that if all fans were used at night, the noise would still be below background noise levels. Further he comments that the type of heating is not significant in terms of amenity impacts

OFFICER COMMENTS

The reference to the performance element of condition 16 and 17 missing is acknowledged and can be simply resolved.

There are control rooms in the end of each of the buildings. There is a typographical error in the Environmental Statement, which led Marches PPC to think otherwise.

Flag Station is in the control of the applicant, it is not unusual for dwellings on poultry units to be in close proximity to the buildings.

In terms of access to Yazor Brook for drainage, if necessary other alternative access points are available, and would be considered under the relevant drainage condition.

CHANGE TO RECOMMENDATION

Conditions 16 and 17 to be amended to add:

“Development shall be undertaken in accordance with the approved details and retained as such thereafter.”

**P141550/O - PROPOSED SITE FOR UP TO 46 DWELLINGS,
NEW ACCESS FROM UPPER COURT ROAD, WITH OPEN
SPACE, PARKING AND ASSOCIATED INFRASTRUCTURE
AT LAND WEST OF UPPER COURT ROAD, BOSBURY,
LEDBURY, HEREFORDSHIRE**

**For: The Church Commissioners for England per Carter
Jonas, 1 Chapel Place, London, W1G 0BG**

ADDITIONAL REPRESENTATIONS

Representation has been received from English Heritage. They object to the application and their comments are as follows:

The village of Bosbury is still a settlement with a readily discernible medieval form and character: a single street with many early houses, all visually dominated by the Grade I listed Church of The Holy Trinity with its impressive detached bell tower. The remains of the former Bishops Palace, and the site of the House of the Knights Templar, hint at the high status of medieval Bosbury, whilst the close relationship between the village and its surrounding landscape is a major characteristic of the conservation area.

The proposed development would, by its size relative to the village, disrupt that relationship, and seriously damage the present clarity of form of the medieval settlement. We note that the applicants' Design and Access Statement is apparently unaware of the newly prepared Neighbourhood Plan, which emphasises the importance of the visual relationship between the village and its surrounding countryside. By damaging that relationship, the proposal would also adversely affect the setting of the church.

OFFICER COMMENTS

The report considers in some detail the visual relationship between the site and the village. Those members attending the site inspection viewed the site from Southfield Lane and it was quite clear that the site is not visually prominent. Similarly the site is not prominent from the centre of the village. Its medieval form is such that buildings form a continuous frontage with few opportunities for views into the site. The Grade I church and bell tower, and the historic core will remain the dominant features for those passing through the village along the B4220 and from any distant views achieved from the south.

NO CHANGE TO RECOMMENDATION

P142450/O - SITE FOR ERECTION OF DWELLING. AT MYRTLEFORD COTTAGE, LEDGEMOOR, WEOBLEY, HR4 8RJ

For: Miss Watkins per Mr Colin Goldsworthy, 85 St Owen Street, Hereford, Herefordshire, HR1 2JW

ADDITIONAL REPRESENTATIONS

Two letters of support were not listed in the report. These were from Ms A Hopkins, Corner Cottage, High Street, Figheledean, Wiltshire and Mr Melvin, 1 Letter Box Cottage, Ledgemoor.

These letters raise no additional issues

Two further letters of support have also been received from occupiers of Honeysuckle Cottage, Ledgemoor and, Mrs Zappert, The Mill House, Eardisland.

These letters raise the additional points:

- Mother has been seriously ill this year and fortunately has made a good recovery but with her advancing years she may well need assistance to maintain independence.
- Applicant is well qualified to care for her mother should the need arise
- She could end up living some considerable distance away.
- Confirm that there was a gate to the rear of Myrtlefield Cottage and this was filled in many years ago but not by the present owners.

NO CHANGE TO RECOMMENDATION

P141830/O - SITE FOR 18 NO. DWELLINGS, ASSOCIATED CAR PARKING, ACCESS AND LANDSCAPING. AT COURT FARM, MUCH BIRCH, HEREFORDSHIRE, HR2 8HT

For: Mr Green per Mr Dean Benbow, 21 Mill Street, Kington, Herefordshire, HR5 3AL

ADDITIONAL REPRESENTATIONS

1. A response from the Council's Drainage consultants has been received which concludes as follows:

"As the site covers an area greater than 1ha, a flood risk assessment (FRA) should have been provided as part of the planning application however this was not done. In addition the proposal details provided by the Applicant do not provide sufficient detail to understand the surface water and foul drainage proposals for the site. However it is acknowledged that the risk of flooding to the site is likely to be low, and due to the low density of the development

there should be sufficient space within the development to provide an adequate surface water drainage system.

We therefore have no objections in principle to the proposed development on flooding or drainage grounds, subject to the provision of a surface water and foul water drainage strategy that incorporates SUDS principles and provision of FRA undertaken in accordance with the NPPF. This information must be provided as part of any subsequent reserved matters application. We also require infiltration test results to be provided prior to construction.

It is recommended that details of the foul water drainage proposals are discussed and agreed with the Environment Agency.”

2. A further letter of objection has been received providing images of the local highway and parking issues thereon. A representative sample of these images has been included within the Committee presentation.

OFFICER COMMENTS

Condition I18, no.19 of the 21 recommended conditions appended to the officer report, sufficiently covers the securing of acceptable foul and surface water drainage.

NO CHANGE TO RECOMMENDATION