

MINUTES of the meeting of Planning Committee held at The Shire Hall, St Peter's Square Hereford HR1 2HX on Wednesday 21 January 2015 at 2.00 pm

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

Councillors: AJM Blackshaw, WLS Bowen, AN Bridges, EMK Chave, PJ Edwards, DW Greenow, KS Guthrie, J Hardwick, JW Hope MBE, JLV Kenyon, JG Lester, PJ McCaull, NP Nenadich, FM Norman, J Norris and AJW Powers

In attendance: Councillors RJ Phillips and GR Swinford

137. APOLOGIES FOR ABSENCE

Apologies were received from Councillors BA Durkin, MAF Hubbard, RI Matthews, RL Mayo, TL Widdows and DB Wilcox.

138. NAMED SUBSTITUTES

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillor WLS Bowen attended the meeting as a substitute member for Councillor RI Matthews, Councillor JLV Kenyon substituted for Councillor TL Widdows, Councillor NP Nenadich for Councillor DB Wilcox and Councillor AJW Powers for Councillor MAF Hubbard.

139. DECLARATIONS OF INTEREST

Agenda item 4: P142215 Land off Rosemary Lane, Leintwardine

Councillor FM Norman declared a non-pecuniary interest because she knew some of the objectors.

140. P142215 LAND OFF ROSEMARY LANE, LEINTWARDINE, HEREFORDSHIRE

(Residential development of up to 45 dwellings (use class C3) means of access and associated works (with all other matters relating to appearance, landscaping, layout and scale reserved.)

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.

He drew attention to the reference in the update to the intervention of the National Planning Casework Unit (NPCU) for the Department for Communities and Local Government and a proposed change to the recommendation recommending that the Committee be minded to approve the application..

He also commented that no agreement had yet been reached with the applicant over the provision of affordable housing within the development. The Council had agreed that it would be acceptable in this case if the applicant paid a commuted sum in lieu of on site provision of affordable housing. The Parish Council had indicated that this would be acceptable if the application were to be approved.

The Development Manager clarified that the NCPU had requested that, as stated in the update, should the Council be minded to grant permission that the decision not be issued until the Secretary of State had considered the case against his call-in policy and issued a decision. This did not prevent the Committee considering the application and making a recommendation, as it had done in the same circumstances on a number of previous occasions. If the Committee decided that it was minded to approve the application the Secretary of State would then decide if he wished to call-in the application.

In accordance with the criteria for public speaking, Mrs A Kay of Leintwardine Parish Council spoke in opposition to the Scheme together with Mrs C Parker a planning consultant employed by the Parish Council. Mr D Collins and Ms N Vera-Sanso, a resident, spoke in objection. Mrs L Steele, the Applicant's agent, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor RJ Phillips spoke on the application in the role of local ward member, the local ward member having recently died and the seat being vacant.

He commented on a number of issues including:

- The application was contentious and had generated considerable local opposition.
- He acknowledged that no weight could be given to the draft Neighbourhood Plan and that regard had to be given to the National Planning Policy Framework and the Council's lack of a five year housing land supply, noting a number of appeals against refusal of planning permission were outstanding.
- However, he questioned the sustainability of the proposed development and the need for it. He noted that given the location of Leintwardine need and sustainability had to be considered in the context of the economies of South Shropshire and Powys and their sustainability. They did not form an economic hub.
- The Core Strategy envisaged growth of approximately 35 dwellings during the plan period to 2031. The proposal was for a single development of 45 houses.
- Rosemary Lane was not 5 metres in width and was subject to flooding.
- The development would have an adverse effect on the historic setting of Leintwardine.
- The proposed drainage was situated in the lowest part of the site. The development would increase the threat of flooding.
- The adverse impact of the development outweighed the benefits.
- He suggested that the application should be refused advancing the following paragraphs of the NPPF as grounds for doing so: paragraphs 7, 8, 9, 10, 14, 32, 55, 109, 131, 156 and 178-81 inclusive.

In the Committee's discussion of the application the following principal points were made:

- The grounds for refusal advanced by Councillor Phillips were supported. It was suggested that policy S1 - sustainable development, SS4 – movement and transportation and DR 3 – movement were additional grounds for refusal, together with paragraph 12 of the NPPF given the impact on an historic environment.

- The development was too large and was unsustainable especially in a semi-remote location of the County, noting the need to travel significant distances to work and to access standard amenities.
- The local community was overwhelmingly opposed to the development.
- The site was prominent and visible in the landscape and would have an adverse effect on the character and setting of the village.
- There was concern at the absence of affordable housing provision.
- A fire station was located on Rosemary lane and its operations could be adversely affected.
- It was noted that the Strategic Housing Land Availability Assessment had categorised the site as being achievable for housing development and having low/minor constraints.
- The weight that continued to be given to the absence of a five year supply of housing land and the Council's calculations of its five year supply of housing land were questioned.
- The site was close to the sewage plant.

The Development Manager commented that Leintwardine was identified in the draft core strategy as a main village for proportionate growth. The strategy envisaged growth of 14%, equating to 35 dwellings during the plan period to 2031. Some development would therefore take place. The proposed site adjoined the existing settlement, was not in an AONB or a Conservation Area and there had been no objection from the statutory consultees including Welsh Water. He remained of the view that the development and location was sustainable. If the application was refused there was a risk that an appeal would succeed.

The Planning Lawyer commented that there was a cost risk in refusing the application given the content of the report before the Committee and the expert opinion it contained. She sought clarification of the grounds for refusal.

Councillor Phillips, in the role of local ward member, was given the opportunity to close the debate. In response to the above question he reiterated the paragraphs he had quoted in his opening remarks as grounds for refusal adding additional points raised in the debate: policies S1, SS4, DR 3 and paragraph 12 of the NPPF.

The Planning Lawyer requested that officers be authorised to finalise the drafting of the reasons for refusal based on the Committee's view that the development was unsustainable and had an adverse impact on a historic settlement, including suggested policy references as appropriate and having regard to those policies put forward at the meeting.

The Transportation Manager clarified that the drawings accompanying the application indicated that improvements would be made to Rosemary Lane to make it of 5 metres width. The Committee accepted that concern about the width of the road should not therefore be advanced as a ground 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 based on relevant policies and relevant paragraphs of the National Planning

Policy Framework: lack of sustainability and adverse impact on a listed settlement.

(The meeting adjourned between 3.10 and 3.20 pm)

141. P142356/F FODDER STORE ADJ THE OLDE RECTORY, BOAT LANE, WHITBOURNE, WORCESTER, WR6 5RS

(Proposed removal of condition 4 of planning permission DCNC2004/2013/F (conversion of cottage annexe to provide one bedroom holiday cottage) to allow 'Fodder Store' to be used as a dwelling.)

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.

He noted that, as referred to in the update, a legal opinion had been received from Mr R Humphries QC on behalf of the owner of the Olde Rectory. He commented that the report addressed the issues raised in the legal opinion and there was nothing to prevent the Committee making a decision on the application.

In accordance with the criteria for public speaking, Mrs M Williams, Chairman of Whitbourne Parish Council spoke in opposition to the Scheme. Mr P Woods, owner of the Olde Rectory, spoke in objection. Mr P Smith 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 GR Swinford spoke on the application. He gave a detailed analysis of the matter, supporting the argument advanced in the legal opinion advanced by Mr Humphries QC that the application was flawed and should be refused.

The Committee commenced discussion of the application. Advice was sought on how the Committee should proceed, given the conflict between the advice in the report and the separate legal opinion that had been circulated to all Members.

The Planning Lawyer commented that insufficient information was available to provide immediate advice on the matter. On the basis of information provided by the applicant the procedure adopted by the assessing officer appeared entirely reasonable. However, there was now a lack of clarity as to whether the 2010 planning permission had been implemented. She therefore considered that there were grounds for deferring determination of the application pending the receipt of further information from the applicant.

RESOLVED: That determination of the application be deferred pending the receipt of further information.

142. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

Appendix 1 - Schedule of Committee Updates

The meeting ended at 3.50 pm

CHAIRMAN