

Minutes of the meeting of Planning and regulatory committee held at Council Chamber, The Shire Hall, St Peter's Square, Hereford, HR1 2HX on Wednesday 17 January 2018 at 2.00 pm

Present: Councillor PGH Cutter (Chairman)
Councillor J Hardwick (Vice-Chairman)

Councillors: BA Baker, CR Butler, PJ Edwards, DW Greenow, KS Guthrie, EL Holton, TM James, FM Norman, AJW Powers, A Seldon and EJ Swinglehurst

In attendance: Councillors P Rone and D Summers

114. APOLOGIES FOR ABSENCE

Apologies were received from Councillors JLV Kenyon and WC Skelton.

115. NAMED SUBSTITUTES

Councillor SD Williams substituted for Councillor WC Skelton.

116. DECLARATIONS OF INTEREST

Agenda item 7: Land at Offas Dene, Prospect Lane, Dinedor

Councillor Greenow declared a non-pecuniary interest because he could see the site from his property.

117. CHAIRMAN'S ANNOUNCEMENTS

None.

118. 172552 - ASHGROVE CROFT, MARDEN, HEREFORD, HR1 3HA

(Proposed two additional mobile homes, two touring caravans and the construction of a day room, associated hard standing drainage and re - aligned access track.)

(Councillor Guthrie fulfilled the role of local ward member and accordingly had no vote on this application.)

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 A Sutton, Clerk to Marden Parish Council spoke in opposition to the Scheme. Mrs H Hamilton spoke in objection on behalf of The Vault Community Group. Mr P Baines of Herefordshire Travellers Support Group, spoke in support.

In accordance with the Council's Constitution, the local ward member, Councillor KS Guthrie, spoke on the application.

She made the following principal comments:

- She had received many representations from local residents and Marden Parish Council had made comprehensive objections to the proposal.
- The proposal represented quite an extensive expansion of the site, which was in the open countryside and set apart from the main village of Marden.
- The site was outside the settlement boundary in the Neighbourhood Development Plan.
- The national planning policy for traveller sites stated that planning authorities should ensure that the scale of such sites did not dominate the nearest settled community. Local planning authorities should very strictly limit new traveller site development in open countryside that was away from existing settlements or outside areas allocated in the development plan.
- The current permission allowed one touring caravan on the site. However, two had frequently been observed in breach of conditions. If the application was approved there was little confidence that there would be compliance with the conditions and that they would be enforced.
- The proposal was contrary to policy RA3 because the site was outside the settlement boundary.
- It was contrary to policy M2 of the NDP which sought to protect the rural integrity of hamlets within the parish and protect the rural landscape.
- Sustainability was an issue in that the site was 1.5km from Bodenham and 2.5km from Marden. The C1125 off which the site was accessed was subject to speeding traffic and there had been accidents on the road. Highway safety was therefore a concern. There were no pavements. There was not therefore reasonable access to services and facilities.
- A possible extension to the site could have been submitted to the Call for Sites process undertaken for Herefordshire Council's Travellers' Sites Document Preferred Options consultation, or indeed to the Call for Sites for development for the Marden NDP. No such submission had been made.
- She supported the Parish Council's conclusion set out at the end of section 5.1 on page 29 of the agenda papers, that there was not "a demonstrated need for additional pitches at this site, located in open countryside, and a significant distance from services and facilities. For this reason, the application is considered to be unsustainable and contrary to Policies RA3 and H4 of the Herefordshire Core Strategy, the NPPF and Marden NDP".

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

- The Parish Council objected to the proposal which was contrary to the NDP.
- The site was a lawful site. The proposal would permit the family to care for the wellbeing of another family member.
- The original application had been granted to meet the needs of a specific family. The need for an expansion and of the scale proposed was questioned.
- Policy RA3 restricting development in the open countryside did contain an exception for sites providing for the needs of gypsies or other travellers in accordance with

Policy H4. The proposal, if a new site was being established, would appear to be contrary to H4.

- It was questioned how the temporary cessation of travel was monitored and how the condition limiting the retention of one static caravan for the duration of a specific individual's occupation of the site would be enforced.
- There were a complex set of circumstances to consider and the local planning authority had to be seen to be acting fairly to the community as a whole.

The Senior Planning Officer confirmed that policy RA3 restricting development in the open countryside contained an exception for sites providing for the needs of gypsies or other travellers in accordance with Policy H4. The 2005 planning permission had authorised a change of use from agricultural to a one family gypsy caravan site, the use of which was governed by conditions. She noted that, as at paragraph 4.8 of the report, the council's Gypsy and Traveller Accommodation Assessment recognised that not all traveller families wanted to live on local authority sites and recommended that the council should continue to consider applications for appropriate small sites to address the needs of local gypsy and traveller families. She outlined the policy relating to temporary cessation of travel. The enforcement team would monitor the condition limiting the retention of one static caravan for the duration of a specific individual's occupation of the site. In relation to boundary treatments no additional fencing was proposed but there would be supplementary hedgerow and additional tree planting.

The local ward member was given the opportunity to close the debate. She acknowledged the wish for the family to care for another family member but the key consideration was whether the scale of the proposal was appropriate for the remote and rural location.

Councillor Norman proposed and Councillor Hardwick seconded a motion that the application be approved in accordance with the printed recommendation. The motion was carried on the Chairman's casting vote there having been 5 votes in favour, 5 against and 3 abstentions.

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

1. **A01 Time limit for commencement (full permission)**
2. **The development hereby approved shall be carried out strictly in accordance with the amended approved plans received on 4th December 2017 (O/S site Plan (scale 1:2500, Additional planting and soakaway (surface water) plan and Proposed day room (revised)) except where otherwise stipulated by conditions attached to this permission.**

Reason: To ensure the development is carried out in accordance with the approved plans and to comply with the requirements of Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

3. **Prior to the construction of the day room details (or samples) of the materials and finishes to be use externally on walls and roofs shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy,

policies 3 and 10 of the Marden Neighbourhood Development Plan and the National Planning Policy Framework.

4. The caravans and dayroom hereby approved shall not be occupied or used by any persons other than gypsies and travellers as defined in Annex 1 of Planning Policy for Traveller Sites (August 2015) or any other subsequently amended definition.

Reason: To accord with the requirements of Policies RA3 and H4 of the Herefordshire Local Plan – Core Strategy and the Planning Policy for Traveller Sites (DCLG – August 2015).

5. No more than 6 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended (of which no more than 3 shall be a static caravan) shall be stationed on the site at any time.

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy, policies M3 and M10 of the Marden Neighbourhood Development Plan and the National Planning Policy Framework.

6. No material change to the positioning of the static caravans on the site, or their replacement by other caravans, or their replacement by other caravans in a different location on the site, shall take place except in strict accordance with details, which shall have first been submitted to and approved in writing by the local planning authority.

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policies SD1 and LD1 of the Herefordshire Local Plan – Core Strategy, policies M3 and M10 of the Marden Neighbourhood Development Plan and the National Planning Policy Framework.

7. The applicant's mother-in-law (name to be inserted) shall only be resident of the site whilst being a dependant relative of Mr and Mrs Smith and her occupation shall cease if at any time Mr and Mrs Smith permanently cease occupation of the site.

Reason: It would be contrary to Policy RA3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework to grant planning permission for caravans in this location except to meet the expressed personal circumstances of the applicant's mother-in-law or for a gypsy or traveller.

8. On cessation of the residential occupation of the site by the applicant's mother-in-law (name to be inserted), the occupation of the static caravan marked 'X' on the approved site plan (received on 4th December 2017, scale: 1:500 and titled – Additional Planting + Soakaway (surface water) shall cease and that static caravan be permanently removed from site within three months.

Reason: It would be contrary to Policy RA3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework to grant planning permission for caravans in this location except to meet the

expressed personal circumstances of the applicant's mother-in-law or for a gypsy or traveller.

9. With the exception of any site clearance and groundwork (excluding any works to retained features), no further development shall commence on site until a revised landscape design has been submitted to and approved in writing by the Local Planning Authority.

The details submitted should include:

Soft landscaping

- a) A plan(s) showing details of all existing trees and hedges on the application site. The plan should include, for each tree/hedge, the accurate position, species and canopy spread, together with an indication of which are to be retained and which are to be removed.
- b) A plan(s) at a scale of 1:200 or 1:500 showing the layout of proposed native trees, orchard trees, native hedges and grass areas
- c) A written specification clearly describing the species, sizes, densities and planting numbers and giving details of cultivation and other operations associated with plant and wild flower establishment.
- d) A Landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas.

Hard landscaping

- a) The position, design and materials of all site enclosure (e.g. fences, walls)
- b) Car parking layout and other vehicular and pedestrian areas
- c) Hard surfacing materials
- d) Minor structures (e.g. play equipment, lighting, refuse areas etc.)

The approved details shall be carried out concurrently with the development hereby permitted and shall be completed no later than the first planting season following the completion of the development. The landscaping shall be maintained for a period of 5 years. During this time, any trees, shrubs or other plants which are removed, die or are seriously retarded shall be replaced during the next planting season with others of similar sizes and species unless the Local Planning Authority gives written consent to any variation.

If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5-year maintenance period. The hard landscaping shall be completed prior to the first occupation of the development hereby permitted.

Reason: In order to maintain the visual amenities of the area and to conform with Policy LD1 of the Herefordshire Local Plan – Core Strategy, policies M3 and M10 of the Marden Neighbourhood Development Plan and the National Planning Policy Framework.

10. Details of any external lighting proposed shall be submitted to and approved in writing by the local planning authority before being installed. Development shall be carried out in accordance with the approved details and there shall be no other external illumination of the development, unless

further details have first been submitted to and approved by the local planning authority.

Reason: To safeguard local amenities and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy, policies M3 and M10 of the Marden Neighbourhood Development Plan and the National Planning Policy Framework.

11. H03 Visibility splays
12. H05 Access gates as per site plan drawing received on 4th December 2017 (scale: 1:500 and titled – Additional Planting + Soakaway (surface water))
13. H06 Vehicular access construction
14. H09 Driveway gradient
15. With the exception of the alterations to the vehicular access as shown on the approved plans, no further development shall commence on site or additional caravans be brought onto the site until full details of the proposed additional or replacement foul water drainage arrangements (to include the manufacturer's details of the private treatment plant, size and siting of soakaways and infiltration test results) have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to either the first occupation of the caravans hereby approved or the first use of the dayroom, whichever occurs first.

Reason: In order to ensure that satisfactory drainage arrangements are provided and to comply with Policies SD3, SD4, LD2 and LD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework; Habitat Regulations and NERC Act.

16. Prior to the first occupation of the caravans or first use of the dayroom hereby approved a scheme for the provision of surface water drainage works shall be submitted to and approved in writing by the local planning authority. The submitted details shall include:
 - Size and position of any new soakaways for surface water drainage
 - Number, size and siting of any rainwater butts

The approved scheme shall be implemented before the first occupation/use of the additional caravans or dayroom to which they relate.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to comply with Policy SD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

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. **The proposed caravan site may require a site licence issued by the Licensing section of the Council's Environmental Health and Trading Standards Division.**
3. **Discharge of final outfall through an appropriately sized soakaway-spreader field is required. No direct discharge of any final outfall from the proposed treatment system to any swale, watercourse, stream or culvert is acceptable unless it can be clearly demonstrated that residual Phosphorous (phosphates) have been removed from the discharge water.**

119. 172756 - UNIT 3, 109-111 BELMONT ROAD, HEREFORD, HEREFORDSHIRE, HR2 7JR

(Proposed variation of condition 7 of planning permission dccw2003/3853/f (variation of condition 7 to allow trading to 23.00, 7 days a week (application no. Cw2002/3803/f)) to allow trading to be until 01:00 hours on Sunday to Thursdays and until 02:00 on Friday and Saturday. With customer delivery only sales and no sales counter sales.)

The Development Manager gave a presentation on the application. He noted that the Planning Committee had refused permission on 3 February 2016 but a temporary permission had subsequently been allowed on appeal.

In accordance with the criteria for public speaking, Mr M Jones, a local resident, spoke in objection. Mr A Salariya, the applicant, spoke in support.

In accordance with the Council's Constitution, the local ward member, Councillor P Rone, spoke on the application.

He made the following principal comments:

- He questioned whether anything had changed since the Committee had refused the original application on the grounds that it was contrary to policy SD1.
- He noted that the planning inspector had not considered that a permanent permission could be granted and he sought clarification as to what monitoring of compliance with the conditions had taken place. He noted that the residents had submitted a schedule of breaches, together with photographic evidence of breaches which had been accepted as accurate.
- He was concerned that if permission were granted there would be further breaches and in time an application for a further extension of working hours further eroding the amenity of local residents.
- The premises was a food factory just 30 ft away from the nearest residential property with four properties within 100ft.
- It was not a local facility serving a local need and was too disruptive to residents.

The Planning Inspector had granted a temporary permission to allow further assessment of the impact on neighbouring properties. The Committee was not satisfied that the parking barrier the applicant was required to put in place was operating effectively, and considered that there had been breaches of the conditions and that the applicant had not demonstrated that they could prevent an adverse impact on residential amenity.

The Development Manager commented that photographs showed that parking barriers had been put in place, but there was a question as to their effectiveness as photographs

also showed crowds in the restricted area. It was not known, however, if the people in the crowd were customers of the applicant. He did not question the evidence of breaches that had been submitted. However, it would have been helpful if incidents had been reported to the council at the time to permit them to be investigated. That was why he had recommended a temporary permission, to allow the matter to be reviewed.

The local ward member was given the opportunity to close the debate. He reiterated his concern that granting permission would have a severe impact on the amenity of local residents.

Councillor Greenow proposed and Councillor Williams seconded a motion that the application be refused on the grounds on which the Committee had previously refused permission as set out at paragraph 1.4 of the report. The motion was carried with 10 votes in favour, 2 against and 1 abstention.

RESOLVED: That permission be refused on the grounds that the extension of opening hours would give rise to increased disturbance to nearby residents such that acceptable levels of residential amenity would not be safeguarded, contrary to Policy SD1 of the Herefordshire Local Plan – Core Strategy.

120. 174094 - LAND AT OFFAS DENE, PROSPECT LANE, DINEDOR, HEREFORDSHIRE.

(Erection of one four-bedroom family house with a garage.)

(Councillors Edwards, and James had left the meeting and were not present during consideration of this application.)

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 Council's Constitution, the local ward member, Councillor D Summers, spoke on the application. He observed that there were no objections to the application.

Councillor Greenow proposed and Councillor Baker seconded a motion that the application be approved in accordance with the printed recommendation with additional conditions as set out in the update sheet. The motion was carried with 12 votes in favour, none against and no abstentions.

RESOLVED: That planning permission be granted subject to the following conditions and any other conditions considered necessary by officers names in the scheme of delegation to officers:

1. C01 (implementation);
2. C07 Drawings (Site Location Plan (untitled); OD03B; OD05B; OD06B);
3. C95 (boundary treatments);
4. C13 (materials);
5. C65 (remove PD rights –dwelling and curtilage);
6. CE6 (water resources);
7. CD2 (habitat enhancement);

8. **CBK (controls during construction- amenity);**
9. **CAE (vehicle access construction);**
10. **CAL (access, turning and parking);**
11. **CB2 (cycle parking).**
12. **CBM (waste water treatment).**
13. **CAD (access gates set back)**
- 14 **CAH (driveway gradient)**
15. **The ecological protection, mitigation and working methods scheme as recommended in the Ecological Report by Just Mammals Consultancy LLP dated September 2017 shall be implemented in full as stated unless otherwise approved in writing by the local planning authority.**

Reason: To ensure that species are protected and habitats enhanced under Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

16. **C88 G02 – Retention of trees and hedgerows**
17. **C90 G04 – Protection of trees/hedgerows that are to be retained.**

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.**

121. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

Appendix - Schedule of Updates

The meeting ended at 4.07 pm

Chairman

PLANNING COMMITTEE

Date: 17 January 2018

Afternoon

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

172552 - PROPOSED TWO ADDITIONAL MOBILE HOMES, TWO TOURING CARAVANS AND THE CONSTRUCTION OF A DAY ROOM, ASSOCIATED HARD STANDING DRAINAGE AND RE - ALIGNED ACCESS TRACK. AT ASHGROVE CROFT, MARDEN, HEREFORD, HR1 3HA

For: Mr Harry Smith, Ashgrove Croft, Marden, Hereford, Herefordshire, HR1 3HA

ADDITIONAL REPRESENTATIONS

- 1.1 Five further representations raising objection to the application and commenting on the Committee Report have been received, two from Marches Planning on behalf of The Vault Community Group and three from individuals (one of which is anonymous).
- 1.2 Marches Planning on behalf of The Vault Community Group comment as follows:

I have reviewed your committee report on this application on behalf of The Vault Community Group and note that while you have addressed some of the errors I drew attention to in my email of 4th December 2017, there remains a substantive flaw, which undermines the reasoning behind your recommendation of approval.

This is your assertion at (inter alia) paragraphs 1.2, 6.1, 6.2, 6.21, 6.40 and 6.45 that the current lawful use of the site is as a “one family gypsy caravan site.” This is incorrect.

You refer at paragraph 6.1 to the 2005 permission (CW2005/2579/F) in which the application description was a “one family gypsy site.”

The 2005 permission was superseded by the 2006 permission and is irrelevant to the current planning status of the land. As you will be aware, a variation of condition permission (as the 2006 permission was) is an entirely new planning permission. The land is occupied by Mr and Mrs Smith, to whom the 2006 permission solely enures, and not by Mr and Mrs Jones who had the benefit of the 2005 permission. The 2006 permission did not contain any reference to a gypsy site.

In any event, the permission for the use of the land enures only for the benefit of Mr and Mrs Smith, excluding the operation of S.75 (1) of the Town and Country Planning Act 1990. When Mr and Mrs Smith (and only Mr and Mrs Smith) cease to use the land for the purposes set out in the decision notice, the permission will lapse and the use revert to agriculture. The permission did not allow a change of use of the land to a gypsy site, only the temporary (unspecified) use of the land by Mr and Mrs Smith.

The decision notice fails to say what use or development was permitted and nor does it say for what purpose the mobile home may be sited. The mere siting of a caravan does not in itself constitute either use or development and requires further description. However, even a flawed decision notice that has not been revoked or quashed by the courts will stand (R (Noble) v. Thanet DC [2006] Env. L.R. 8).

You advise that the officer reports relating to the 2005 and 2006 applications indicated that the “special circumstances” that justified the granting of these permissions contrary to policy were the gypsy status of the applicants. Those decisions were made 12 years ago, prior to the introduction of the current Planning Policy for Travellers Sites (PPTS), which contains a more restricted definition of gypsies and travellers. It is clear from the 2006 officer report cited in your committee report that Mr and Mrs Smith merely aspired to traveller status (they hoped to take up travelling “when circumstances allow greater travel to horse fairs”) and thus would not have fulfilled the PPTS definition had it been in place at the time.

Given that you are incorrect to say that the lawful use of the site is as a gypsy site, the PPTS requiring planning authorities to very strictly limit new gypsy sites in the open countryside, away from settlements or on unallocated sites applies, indicating the application should be refused.

I have the following further comments:

You refer at paragraphs 6.46 to “the Council’s shortfall in the provision of Gypsy and Traveller sites” but do not provide any evidence that there is a shortfall. Notwithstanding that the Travellers Sites DPD is yet to be adopted, the July GTAA provides the most up to date information about the provision of gypsy and traveller sites and demonstrates that gypsy and traveller accommodation needs will be met and that there are currently seven vacant pitches within the county.

At paragraph 6.6 of your report you refer to paragraph 49 of the NPPF which advises that policies for the supply of housing are deemed to be out of date because there is a shortfall in Herefordshire Council five year housing land supply. I am not sure why you consider this to be relevant in light of the ministerial statement HLWS197 of July 2015, which said as follows:

Following a recent High Court Judgment (Wenman –v- Secretary of State ...), we are today making a technical adjustment to paragraphs 49 and 159 of the National Planning Policy Framework.

Paragraph 49

From today, those persons who fall within the definition of ‘traveller’ under the Planning Policy for Traveller Sites, cannot rely on the lack of a five year supply of deliverable housing sites under the National Planning Policy Framework to show that relevant policies for the supply of housing are not up-to-date. Such persons should have the lack of a five year supply of deliverable traveller sites considered in accordance with Planning Policy for Traveller Sites.

Paragraph 159

Planning Policy for Traveller Sites sets out how ‘travellers’ (as defined in Annex A of that document) accommodation needs should also be assessed. Those who do not fall under that definition should have their accommodation needs addressed under the provisions of the National Planning Policy Framework.

The applicant and proposed residents do not meet the PPTS definition and so fall under paragraph 159. However, as the Marden NDP has been adopted and allocates sites for housing development, it is up to date because Herefordshire Council can demonstrate a housing land supply in excess of three years. (Ministerial statement HCWS346 December 2016).

In respect of the travelling status of the current applicants, you rely entirely on the uncorroborated statement of the Manager of Social Inclusion and Equalities and not on any evidence. I have submitted in previous objections on behalf to the Vauld

Community Group several planning appeal decisions setting out the level of evidence planning inspectors have required to support such applications. No such evidence has been provided. Furthermore, Mr Straker's letter contradicts the evidence provided by the applicants themselves, which clearly demonstrates a settled lifestyle, including at least two members of the family being in local employment.

I would be grateful if you would address these points in an update to the planning committee and I would suggest that you revise your recommendation in light of the error about the lawful use of the site.

- 1.3 A further email (dated 15.1.2018) from Marches Planning states:
'I spoke to a member of the Local Plan team who advised that although a number of responses to the consultation had been received, none were expected to give rise to amendments to the Travellers Sites DPD or the GTAA.'
- 1.4 In summary the other objections raise the following additional points:
- Second report still fails to address the main issues
 - The report states that the site is a lawful 1 family gypsy site and this is completely untrue
 - 2016 states the permission is for Mr and Mrs Smith only, having regard to their special circumstances – no mention of this being for their family or being a gypsy site
 - Cannot assume that the special circumstances were that they say that they are gypsies – not stated in the permission and guidelines for assessing such were not considered
 - A change of use is therefore required if this is to become a gypsy site – and all residents need to be assessed to meet the guidelines
 - Current breach of the original permission's conditions
 - Would be difficult to address the number of conditions recommended and for the Council to enforce these
 - One conditions prevents additional caravans until landscaping and drainage have been resolved so what happens to the existing unauthorised caravan?
 - Urge Committee to refuse the application as the Report is significantly flawed
 - Proposed statics and tourers would not fit on the site, as indicated on the submitted site plan
 - There are rules stipulating distances between caravans, which obviously have not been considered
 - If not sited as proposed the landscaping and drainage would need to be reviewed again

P172552 Ashgrove Croft Block Plan Queries



- 1.5 An anonymous objector has stated that Planning Committee should be aware of the following, summarised, points:
- Mrs Smith's mother is currently in hospital, but was at Ashgrove Croft over the Christmas period. She has lived in Oxfordshire, where she benefits from a planning permission for a dwelling
 - Mrs Smith's mother is to be discharged to a nursing home in Oxfordshire; she requires special care which cannot be provided by Mrs Smith
 - There is no intention that Mrs Smith's mother will occupy the application site if permission is granted
 - Hamby Smith and his family occupy their own pitch on the same site in Whitchurch, Shropshire as his parents-in-law, having previously lived with his parents-in-law (the pitch may be in his wife's name – a gypsy tradition)
 - Gypsy girls do not like to live away from their mothers
 - Before his marriage Hamby Smith lived with Mr and Mrs Smith in Shrewsbury and then at Ashgrove Croft – their properties not council
 - Hamby Smith has stayed over at Ashgrove Croft on a few occasions and stayed on orchards and hop farms in Herefordshire for the picking season – that is all the travelling he has done
 - Hamby Smith does not lead a nomadic life, only travelling between his Shropshire pitch and the application site. He does not pull over in laybys.
- 1.6 The Manager of Social Inclusion and Equalities has provided further comments in response to points raised by the objections and this has been corroborated by the Gypsy, Roma, Traveller Learning Mentor. In summary the main points are:
- I have no documentary evidence to support my initial comments
 - Following a conversation with Mrs Smith to corroborate what I understand to be true, Mrs Smith's mother resides between Ashgrove Croft and Mrs Smith's brother's home in Oxfordshire – they are joint carers
 - The family travel over the summer for employment and generally return the beginning of October for the children to start school
 - The family keep to traditional travel values and live a traditional traveller lifestyle, i.e. travelling for work
 - Hamby Smith and his family travel/visit between Ashgrove Croft and his parents in law. He has been previously unsuccessful in obtaining a LA pitch

- Hamby does travel in spring and summer and would like a permanent base for his young family to access education and health services
- Hamby has been involved with the Council's GRT adult education scheme and has successfully completed courses on this pathway
- Accommodation for Mrs Smith's children and grandchildren are the primary reason for the application
- My support for the application is to ensure good outcomes for the Smith children, as per the Council's corporate equality plan

1.7 The applicant has made the following comments in respect of the further comments received and in summary these are:

- The situation is complex and changing
- Mrs Smith's mother has lived between Oxford (in a sort of annex) and Ashgrove Croft. She has been back and forth to Ashgrove Croft over the summer
- Mrs Smith's mother is too infirm to live independently and is currently in hospital in Hereford, where her condition is deteriorating
- Much of the responsibility of caring for her mother has fallen to Mrs Smith, as the only daughter in the family
- A care package is needed, and if Mrs Smith lives at Ashgrove Croft, perhaps for respite, carers would come and this would be difficult in the confined space especially with children getting ready for school
- Hamby Smith has been given a temporary pitch at the same site in Shropshire as his parents-in-law, but there are many problems there and he wishes to return to Herefordshire where there is better family support and access to services
- Hamby does more than travel between Ashgrove Croft and the Shropshire site – as previously stated he travels with other families to find work - in the summer and the previous summer for 2 & ½ months around Gloucestershire
- Having a young family means that Hamby is having to develop an economically viable nomadic lifestyle whilst attending to his family's needs.
- Essentially the Smiths are at the centre of a multi-generational family network with a range of health needs and growing children – they need extra space
- Application is only for half the number of pitches previously sought
- Following the Inspector's Report for the CS and modification to CS policy H4 until the DPD is finally adopted applicants for planning permission under this policy '*do not have to provide evidence of need.*'
- Statics have not been purchased yet, so exact size and distances between are not known
- Statics are intended to be used largely as extra bedrooms, so will tend to be on the small size – 6.7m x 3m is at the lower end of the market. Those shown on the drawings are about 8m
- The site will require a licence and requirements of distances between caravans and boundaries will be imposed. The stoned area can accommodate this.
- As caravans are moveable objects it is not usual to have fixed positions. Another permission for a gypsy site (in Bosbury) conditioned that the caravans could not be sited outside of a red hatched area on the approved site plan – this gives extra control, whilst still allowing flexibility.

1.8 In response to the email dated 15.1.2018 from Marches Planning the following responses have been received from the Senior Forward Planning Officer and Team Leader of Strategic Planning:

Senior Forward Planning Officer:

Kevin Singleton [Team Leader of Strategic Planning] spoke to Helen Hamilton last week. He advised her that we have received approximately 50 representations to the plan which we are currently processing in preparation for submitting to the Planning Inspector. The majority of these representations are objections. As we are still going

through these representations it is not possible to say at this stage what minor changes will be recommended prior to the submission of the plan. Furthermore we are not in a position to predict the outcome of the examination process.

As previously advised because we have received objections to both the DPD and the GTAA and therefore little weight can be attached to either document at this stage.

Team Leader of Strategic Planning:

I spoke to Helen Hamilton last week. She asked whether we had published the representations received during the consultation period. I said they had not been published but would be once we had processed them.

I told her that we had received mostly objections from around 50 representors and these were to all aspects of the plan including the GTAA. But I did not tell her there will not be any changes to the plan as a result of the comments received. We are still going through the comments. Any changes will be largely determined by any modifications recommended by the Inspector at the Examination in Public.

OFFICER COMMENTS

- 2.1 With regards the anonymous objection it is considered appropriate to report this to Committee as the author insisted that the points raised should be available to those determining the application and also it is necessary in the interests of transparency. The applicant, Manager of Social Inclusion and Equalities and Gypsy, Roma, Traveller Learning Mentor have provided further clarification with regards the current situation.
- 2.2 In respect of the lawful use of the site, this is as per the Committee Report and the detailed reasoning provided in paragraphs 6.1 and 6.2.
- 2.3 The weight to be afforded to the GTAA and the Travellers' Sites DPD is reconfirmed above at paragraph 1.7.
- 2.4 At section 6.7 of the Report in the final paragraph the beginning of the first sentence should be amended to 'In this instance the development plan document' (underlined word is added).
- 2.5 With regards the lack of 5 year housing supply position, the report merely sets this out for information. At paragraph 6.7 the report states that the gypsy and traveller site provision is recorded and scrutinised separately and it is therefore under the supply of deliverable traveller sites that an application should be assessed. Paragraphs 6.7 and 6.46 set out why it has not been demonstrated that there is a sufficient supply of such sites at the present time. Notwithstanding this, and fundamentally CS policy H4 – Traveller Sites categorically states that '*In the absence of an adopted DPD, or where proposals for sites are brought forward on non-allocated land, proposals will be supported where*' – they comply with the policy's listed criteria. The DPD is not adopted, so the proposal should be supported where it meets policy criteria requirements, which as per the Report, it is considered it does.

NO CHANGE TO RECOMMENDATION

174094 - ERECTION OF ONE FOUR-BEDROOM FAMILY HOUSE WITH A GARAGE AT LAND AT OFFAS DENE, PROSPECT LANE, DINEDOR, HEREFORDSHIRE,

For: Mr Smart per Mr Chris Smart, Offas Dene, Dinedor, Hereford, Herefordshire HR2 6LQ

ADDITIONAL REPRESENTATIONS

Tree Officer:

I do not have any objections to the proposed development.
There are two trees to be removed but I am satisfied that their loss will be mitigated by the planting of new trees at the North of the site.

Conditions-

C88 G02 – Retention of trees and hedgerows

C90 G04 – Protection of trees/hedgerows that are to be retained

CHANGE TO RECOMMENDATION

Planning recommendation to include additional planning conditions 16 and 17 as follows:

16. C88 G02 – Retention of trees and hedgerows

17. C90 G04 – Protection of trees/hedgerows that are to be retained.