

MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 11 August 2010 at 10.00 am

Present: Councillor TW Hunt (Chairman)
Councillor RV Stockton (Vice Chairman)

Councillors: ACR Chappell, H Davies, DW Greenow, KS Guthrie, JW Hope MBE, B Hunt, RC Hunt, Brig P Jones CBE, MD Lloyd-Hayes, G Lucas, RI Matthews, JE Pemberton, DC Taylor, WJ Walling, PJ Watts and JD Woodward

In attendance: Councillors BA Durkin and PJ Edwards

22. APOLOGIES FOR ABSENCE

Apologies were received from Councillors PGH Cutter, GFM Dawe and AP Taylor

23. NAMED SUBSTITUTES (IF ANY)

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillor P Jones CBE was a substitute member for Councillor PGH Cutter and Councillor MD Lloyd-Hayes was a substitute member for Councillor GFM Dawe.

24. DECLARATIONS OF INTEREST

There were no declarations of interest made.

25. MINUTES

RESOLVED: That the Minutes of the meeting held on 21 July 2010 be approved as a correct record and signed by the Chairman.

26. CHAIRMAN'S ANNOUNCEMENTS

The Chairman introduced all of the Officers present at the meeting.

27. APPEALS

The Committee noted the report.

28. DMSE/100514/F - HOLMES GROVE, UPTON BISHOP, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7UQ

The Principal Planning Officer gave a presentation on the application and updates / additional representations received following the publication of the agenda were provided; the schedule of committee updates is appended to these minutes.

In accordance with the criteria for public speaking, Mrs Foley, representing Linton Parish Council, and Ms Shaw, representing PrUB, spoke in objection to the application and Dr Murdoch, the applicant's agent, spoke in support.

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

- The application was highly contentious and had resulted in a number of local objections.
- It was perceived that gypsies and travellers had preferential treatment in the planning process.
- The application was contrary to UDP policy H12 as the site was not a reasonable distance away from Gorsley.
- The application was also contrary to H12 due to the inadequate landscaping proposed and the visual impact of the site.
- The B4221 was a busy road with a 60mph speed limit and no lighting or footpath.
- Gorsley did not have a supermarket, dentist or doctor's surgery, all of these amenities were located in Ross on Wye which was a considerable distance away from the site.
- The removal of trees to aid visibility on exiting the site had resulted in a lack of screening, new screening would take some years to mature.
- There was clearly a requirement for gypsy sites within the county but they had to be in the right locations.

Members noted that the application had caused a considerable amount of interest within the local community. 66 letters of objection had been received by the Planning Department and Members stated that additional representations had been sent to them via email. Some Members noted that the emailed representations were of a similar nature and raised similar concerns.

Members noted that the applicant already owned a dwelling within a close proximity to the site and questioned the need for the log cabins. Concerns were also expressed in respect of condition 2 of the Officer's recommendation. Members noted that the cabins could be occupied by any person fitting the criteria of a gypsy or traveller; they felt that any approval should be restricted to the applicant and his family.

The committee felt that the proposed application would harm the rural character and appearance of the area. They also noted that the proposed landscaping would require a significant period of time to reach maturity and could therefore not provide timely or effective mitigation within a reasonable period. Due to these concerns the committee deemed that the application was contrary to Policies S1, S2, DR1, LA2 and H12 of the Herefordshire Unitary Development Plan in that the development failed to promote or reinforce the distinctive character of the locality.

The Committee had serious concerns regarding the sustainability of the site in terms of its accessibility to schools, medical facilities, and shops. It was noted that the nearest main village, Gorsley, was more than 2km away from the site and could only be accessed via the unlit and unpaved B4221. The Committee therefore felt that the application was contrary to the guidance set out in Circular 01/2006 and Policies S1, S6, DR2, DR3 and H12 of the Herefordshire Unitary Development Plan.

The Committee also noted that the application did not provide the required visibility splays and the proposal was therefore considered prejudicial to the highway safety on the adjoining B4221. Due to this issue Members felt that the application was contrary to Policies S6 and DR3 of the Herefordshire Unitary Development Plan.

During the debate Members expressed their concerns regarding the current shortage of gypsy / traveller pitches throughout the County. It was noted that there was a current shortfall of 83 pitches and Members felt that it was an issue that should be addressed as a matter of urgency by Cabinet. Members therefore moved a recommendation to request

that Cabinet address the shortage of pitches in consultation with local town and parish councils.

In response to a question, the Principal Planning Officer confirmed that a similar application at Marsh Farm had been refused by officers under delegated powers as Marsh Farm was a listed building and it did not have immediate access onto the B4221.

One Member of the Committee noted that the application site was adjacent to a golf course. They questioned why it was deemed acceptable to have a golf course and associated buildings in the area but not three log cabins. The Member added that log cabins did fit into the countryside and should be permitted.

In response to a question from the committee, the Principal Planning Officer confirmed that there would be provision for a touring caravan to be situated next to each of the cabins. He also confirmed that there was no limit to the number of touring caravans permitted on the site but added that this matter could be controlled through an appropriate condition. In response to a further question regarding the access to the site, he confirmed that the Traffic Manager would have taken into account the length of a vehicle towing a touring caravan whilst considering the visibility splay.

Councillor Bramer was given the opportunity to close the debate in accordance with the Council's Constitution. He reiterated his concerns in respect of the application and it being contrary to Policy H12 of the Unitary Development Plan.

Having carefully considered all the facts presented about the application, the Committee decided that notwithstanding the views of the officers, there were sufficient grounds within the Council's planning policies for the application to be refused.

RESOLVED THAT:

- (a) Cabinet be recommended to address the shortage of 83 gypsy/traveller pitches throughout the county within 12 months in consultation with local town/parish councils and travellers representatives.**
- (b) the application be refused on the following grounds:**
 - (i) the proposed log cabins, together with the associated hardstanding and other domestic paraphernalia would harm the rural character and appearance of the area. The local planning authority considers that the proposed landscaping would require a significant period to reach maturity and could not provide timely or effective mitigation within a reasonable period. As such the proposal is considered contrary to Policies, S1, S2, DR1, LA2 and H12 of the Herefordshire Unitary Development Plan 2007 in that the development fails to promote or reinforce the distinctive character of the locality;**
 - (ii) the application site is not considered sustainable in terms of its accessibility to schools, goods and other services. The site is more than 2km from the nearest main village (Gorsley), access to which is via the unlit and unpaved B4221. The local planning authority considers it unlikely that journeys to and from the site would be undertaken either on foot or cycle and concludes that development would reinforce reliance upon the private motor vehicle as the principal means of transport and would fail to promote integrated co-existence between the site and the local community. For these reasons the proposal is considered contrary to the guidance set out**

in Circular 01/2006 and Policies S1, S6, DR2, DR3 and H12 of the Herefordshire Unitary Development Plan 2007; and

- (iii) the application as submitted does not provide the requisite 2.4m x 150m visibility splays and the proposal is thus considered prejudicial to the highway safety on the adjoining B4221, a busy highway subject to the national speed limit. The application is thus considered contrary to Policies S6 and DR3 of the Herefordshire Unitary Development Plan 2007.

29. DATE OF NEXT MEETING

Members noted the dates of the next meeting and provisional site visit.

APPENDIX 1 - SCHEDULE OF COMMITTEE UPDATES

The meeting ended at 11.10 am

CHAIRMAN

PLANNING COMMITTEE

11 August 2010

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.

1 DMSE/100514/F - CHANGE OF USE OF LAND - THREE LOG CABINS FOR OCCUPATION BY GYPSIES/TRAVELLERS TOGETHER WITH PACKAGE TREATMENT PLANT AT HOLMES GROVE, UPTON BISHOP, ROSS ON WYE, HEREFORDSHIRE, HR9 7UQ

For: Mr Tapsell Per Dr Angus Murdoch, Po Box 71, Ilminster, Somerset, TA19 0WF

ADDITIONAL REPRESENTATIONS

Linton Parish Council has asked that its comments be reproduced in full:

Linton Parish Council does not support this application. Although a reduction has now been made in the number of buildings required by the developer it still does not comply with a number of policies within the UDP.

Paragraph 5.5.24 of H12 states, "Permanent dwellings on Gypsy/Traveller sites will only be permitted in locations where such proposals would accord with other housing policies of this Plan" We suggest that this proposal does not accord with Policies H7, DR1, LA2 and LA5. Clearly the cabins are intended to be permanent and residential and therefore cannot be regarded as being for "Nomadic Use" as stated on the application.

These large wooden buildings with corrugated metal roofs, set on concrete blocks, with large area of hard standing, conflict with the character and appearance of the surrounding land and as such are a departure from planning policy. We do not believe there are any further material considerations for us to take into account that would allow such a departure from planning policy and trust that this application will be refused.

For the record, Linton Parish already has a Travellers site.

A further letter of objection has been received from Mr Attenborough, Rawmarsh Cottage, Linton. It raises no further material planning issues.

CHANGE TO THE DESCRIPTION

The description of development has been changed to refer to occupation by Gypsies/Travellers instead of "residential nomadic use" with reference to the inclusion of the package treatment plant for foul drainage.

NO CHANGE TO RECOMMENDATION

