

**MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 3 November 2010 at 10.00 am**

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

Councillors: ACR Chappell, PGH Cutter, H Davies, AE Gray, DW Greenow, JW Hope MBE, RC Hunt, G Lucas, JE Pemberton, RH Smith, WJ Walling, PJ Watts, JB Williams and JD Woodward

**In attendance:** Councillors BA Durkin and J Stone

**54. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors GFM Dawe, KS Guthrie, B Hunt, RI Matthews and RV Stockton.

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

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillors AE Gray, RH Smith and JB Williams were substitute members for Councillors B Hunt, KS Guthrie and AP Taylor.

**56. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

**57. MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 13 October 2010 be approved as a correct record and signed by the Chairman.

**58. CHAIRMAN'S ANNOUNCEMENTS**

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

The Chairman advised members that agenda item 7 had been withdrawn as the report was incomplete.

At the request of Councillor BA Durkin, the consideration of agenda item 11 was brought forward to be considered immediately after agenda item 9.

**59. APPEALS**

The Committee noted the report.

**60. PROPOSED REVISED PLANNING ENFORCEMENT POLICY**

The report was withdrawn.

**61. DMNC/091832/F - LEDWYCHE FARM, BLEATHWOOD, LITTLE HEREFORD, HEREFORDSHIRE, SY8 4LF.**

The Principal Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mrs. Willis spoke in support of the application.

In accordance with paragraph 4.8.2.2 of the Council's constitution, Councillor JS Stone, the local ward member, commented on a number of issues, including:

- Attention was drawn to the planning history of the site, including a number of enforcement issues that had arisen.
- It was understood that other letters had been submitted but these were not indicated in the report.
- A comment was made about the length of time taken to reach this stage; the application had been received in July 2009.
- The application needed to be considered on its planning merits, the principal policies relevant to the application being H8 (Agricultural and forestry dwelling and dwellings associated with rural businesses) and PPS7 (Sustainable development in rural areas).
- It was noted that the County Land Agent accepted that there was a functional need for on site accommodation and the Planning Inspector (on an earlier enforcement appeal) had commented that it would be desirable for someone to be close to livestock at all times if the development of an egg production unit occurred.
- It was also noted that the visual impact of the development was limited and not sufficient to warrant refusal of the application.
- Councillor Stone commented that, if the committee was minded to approve temporary permission, the applicant needed to abide by the conditions.

In response to questions from members about the functional requirement for this proposal, the Principal Planning Officer commented on animal welfare issues and, given the relatively isolated position of the site, on site accommodation would enable any related emergencies to be dealt with immediately. In response to another question, the Principal Planning Officer advised that right of access was a civil matter and not a material planning consideration.

A number of members did not consider that the functional requirement for on site accommodation had been demonstrated given the scale of the enterprise and felt unable to support the application. However, other members considered that the policy criteria had been met on balance.

The Head of Development Management advised that a temporary permission was recommended to enable the authority to assess the continued need for the development. The Principal Planning Officer clarified issues in relation to the planning history of the site.

Some members commented on the need to support sustainable local businesses. It was emphasised that, given the retrospective nature of the application and issues with earlier developments, the applicant had to comply with all the conditions required.

In accordance with the Council's constitution, the local ward member was given the opportunity to close the debate. Councillor Stone commented on the need to balance the various points raised for and against the development, welcomed the use of

renewable energy sources, and noted that temporary permission provided an opportunity to review the impact of the development.

## **RESOLVED**

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

- 1 F22 Temporary permission & reinstatement of land (mobile home/ caravan) – 3 years.**
- 2 F27 Agricultural occupancy.**
- 3 The permission hereby granted is specifically for the siting of two co-joined units as defined by Section 13(1) of the Caravan Site Act 1968.**

**Reason: In order to define the terms of this permission and to comply with Policies H8 and H11 of the Herefordshire Unitary Development Plan.**

### **62. DMS/191822/FH - STONE LEA, RECTORY ROAD, HAMPTON BISHOP, HEREFORDSHIRE, HR1 4JU.**

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 paragraph 4.8.2.2 of the Council's Constitution, Councillor JE Pemberton, the local ward member, commented on a number of issues, including:

- It was unfortunate that the application could not be determined at the last meeting of the Planning Committee.
- A full flood risk assessment had been submitted with the application.
- No comments had been received from Hampton Bishop Parish Council.
- The original dwelling would remain the dominant feature.

Members supported the application and noted that it had only come before the Committee as it had been submitted by an Officer holding a politically restricted post within Herefordshire Council.

Councillor Pemberton was given the opportunity to close the debate in accordance with the Council's Constitution. She chose to make no further statement.

## **RESOLVED**

**Provided that no representations are received that raise material planning considerations that planning permission be granted subject to the following conditions:**

- 1 A01 Time limit for commencement (full permission)**
- 2 B02 Development in accordance with approved plans and materials**
- 3 H13 Access, turning area and parking**
- 4 G02 Retention of trees and hedgerows**

## **INFORMATIVES:**

### **1 N15 Reason(s) for the Grant of PP/LBC/CAC**

#### **63. DMS/102055/G - FALCON BROOK, HOW CAPLE, HEREFORDSHIRE, HR1 4TF.**

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, Mr Jones, the applicant, spoke in support of his application.

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

- The business served 40 farmers and 43 local businesses.
- The application was essential for the continuation of the business.
- The applicant's parents were due to retire from the family business.
- The applicant had approached a number of lenders but could not get a mortgage due to the section 52 condition.
- The dwelling had been build in the early 1990's and was not a new dwelling in open countryside.
- There were 59 letters of support for the application.
- The Council's Economic Development team did not object to the application.
- The business was established and successful.
- The section 52 agreement should be removed in order to help the business develop.

Members discussed the application and noted that although they supported the Planning Officers and Policies there were times when it was necessary to make exceptions and deviate from the planning guidance. They noted that the application was not a new build and had been in situ for 20 years. They also felt that there was a need to encourage businesses to thrive, especially in the current difficult economic climate.

Members noted that supporting the application and discharging the Section 52 agreement would not set a precedent as each application had to be determined on its merits.

The Head of Development Management noted that Members had referred to a similar application at Garway Hill however that site benefitted from an occupancy condition. He added that the removal of the Section 52 agreement would result in a dwelling in open countryside which was permitted as an exception to policy and which would now not benefit from planning control.

Members noted the support for the application from local residents as well as the Council's Economic Development team.

In response to a question from the Committee, the Team Leader (South) confirmed that if the business activities on the site ceased and the applicants remained in the property they would be in breach of the existing section 52 agreement and be subject to enforcement action.

Councillor Durkin was given the opportunity to close the debate in accordance with the Council's Constitution.

## **RESOLVED**

**That planning permission be approved contrary to the Officer's recommendation.**

**64. DMS/102061/F & DMS/10262/C - PENRICE, WALFORD ROAD, ROSS ON WYE, HEREFORDSHIRE, HR9 5PQ.**

The Team Leader (South) 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, Mr Bowring, a neighbouring resident, spoke in objection to the application and Mr Tarzey, the applicant's agent, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor PGH Cutter and AE Gray, the local ward members, commented on a number of issues, including:

- There had been consultation between the local ward members and the applicants but no agreement had been reached in respect of the application.
- Why did the existing house need to be demolished?
- A single dwelling on the site would be preferred by local residents.
- Approving the application would have a detrimental effect on the street scene.
- The application was similar to the one refused by the Planning Committee earlier this year.
- The petition was signed by genuine people from the area.
- No affordable housing as part of the development.
- The application would result in over development of the site and the footprint of the development was too large.
- There was not enough parking on the site, there would therefore be a negative impact on the highway.
- Could the application be deferred pending the results from the appeal?
- Concerns regarding DR1, HBA6 and H13 had not been addressed.
- The residents of Eastfield Road would still be able to see the propose development.

In response to the local ward members comments regarding a possible deferral of the application the Head of Development Management advised members that the application should not be deferred pending the outcome of any pending appeal decision. He confirmed that the current appeal on the site was due to be determined in December 2010 but that this could not be guaranteed. He also confirmed that the authority could be subject to an appeal on the grounds of non determination if the application was not determined.

Some members voiced their concerns in respect of the proposed height, mass, footprint and appearance of the development. They were also concerned that the proposed car parking provisions would not meet the demands of the residents.

Other members of the Committee noted that there was a need for development on the site and that the proposed application was an improvement on the previous application on the site, which was still subject of an appeal. It was also noted that approving the application would not result in a precedent being set as any application in the area would have to be determined on its merits.

In response to a question from the Committee, the Locum Lawyer confirmed that if the appeal was successful then the inspector would determine suitable conditions. He also advised that PPS3 had been amended to remove the reference to 30 dwellings per hectare and that the amendments did not restrict development of gardens.

One member was concerned that the Section 106 draft heads of terms did not pay particular regard to Ross-on-Wye. Members felt that any funds secured by means of a Section 106 agreement should be used in the application area.

Members discussed the application and felt that the application should be refused as the design, scale, and massing would represent an over-development of the site. The site would also be out of keeping with the established character of the area and have an adverse impact on the amenity of the adjoining residents. Therefore it was deemed that the application should be refused as it was contrary to policies DR1, HBA6, H13 and PPS3.

Councillors Cutter and Gray were given the opportunity to close the debate in accordance with the Council's Constitution. They reiterated their concerns in respect of the application and thanked the Committee for their comments.

#### **RESOLVED**

**That the proposal would be an inappropriate form of development and by virtue of its detailed design, scale and massing would represent an over-development of the site that would be harmful to the character and appearance of the Ross-on-Wye Conservation Area and the established residential character of the area. The proposal is therefore contrary to Policies DR1, HBA6 and H13 of the Herefordshire Unitary Development Plan.**

#### **65. DMN/101477/FH - 3 AND 4 STATION BUNGALOWS, ALBERT ROAD, COLWALL, HEREFORDSHIRE, WR13 6QH.**

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.

Members supported the application and noted that it had only come before the Committee as the land was owned by an elected member of Herefordshire Council.

#### **RESOLVED**

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

- 1 A01 Time limit for commencement (full permission)**
- 2 B01 Development in accordance with the approved plans**
- 3 C01 Samples of external materials**

**4 I16 Restriction of hours during construction**

**INFORMATIVES:**

- 1 The details required by condition no. 3 also refers to the external materials/finishes intended for the new outbuildings, the new porch and chimney.**

**66. DATE OF NEXT MEETING**

Members noted that the next meeting of the Planning Committee was scheduled for 10:00 am on 24 November 2010.

**APPENDIX 1 - SCHEDULE OF COMMITTEE UPDATES**

The meeting ended at 12.30 pm

**CHAIRMAN**





# PLANNING COMMITTEE

3 November 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.

**10 DMS/102061/F & DMS/102062/C - Demolition of existing residential property, construction of 8 no. apartments, 3 no. town houses with associated car parking, landscaping and access at Penrice, Walford Road, Ross On Wye, Herefordshire, HR9 5PQ**

**For: M F Freeman, Ruardean Works Varnister Road, Drybrook, Gloucestershire, GL17 9BH**

### ADDITIONAL REPRESENTATIONS

A further 7 letters of objection have been received together with a supplemental to the residents petition with a further 12 signatories. No additional matters are raised within these further responses. Members should refer to section 5 of the report where the grounds of objection are summarised.

Members will also have received by email on 2 November a further letter sent by Mr D Warwick on behalf of local residents restating the grounds of objection

### NO CHANGE TO RECOMMENDATION

**11 DMS/102055/G- Discharge of Section 52 agreement attached to Planning Permission SH891980PO - To remove occupancy condition at Falcon Brook, How Caple, Herefordshire, HR1 4TF**

**FOR: MR & MRS JONES PER MR & MRS B D JONES, FALCON BROOK, HOW CAPLE, HEREFORDSHIRE, HR1 4TF**

### ADDITIONAL REPRESENTATIONS

A further email has been received from the applicant conforming that he has been in contact with the Federation of Small Businesses suggested lender – ASC Partnership PLC who have confirmed that they are unwilling to lend to him.

### NO CHANGE TO RECOMMENDATION

