

**MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 7 November 2012 at 10.00 am**

**Present:** Councillor PGH Cutter (Chairman)  
Councillor BA Durkin (Vice Chairman)

Councillors: PA Andrews, AN Bridges, PJ Edwards, DW Greenow, KS Guthrie, J Hardwick, JW Hope MBE, MAF Hubbard, RC Hunt, JA Hyde, Brig P Jones CBE, FM Norman, AJW Powers, P Rone, GR Swinford, DC Taylor and PJ Watts

**In attendance:** Councillors GA Powell and GJ Powell

**78. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors JG Lester, G Lucas and RI Matthews.

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

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillors P Rone, JA Hyde and DC Taylor attended the meeting as substitute members for Councillors JG Lester, G Lucas and RI Matthews.

**80. DECLARATIONS OF INTEREST**

10. S122243/FH - 1 ARUNDEL CLOSE, BELMONT, HEREFORD, HR2 7ST.  
Councillor AN Bridges, Disclosable Pecuniary, The application directly affected the Councillors residential property as defined in his register of interests.

**81. MINUTES**

Councillor J Hardwick advised that he had declared a non-pecuniary interest in agenda item 8 as he knew the applicant as well as being a Member of the Wye Valley AONB Joint Advisory Committee.

**RESOLVED:** That subject to the amendment detailed above, the Minutes of the meeting held on 17 October 2012 be approved as a correct record and signed by the Chairman.

**82. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman welcomed Councillor Powers to the Planning Committee.

The Head of Neighbourhood Planning advised the Committee that an appeal had been lodged by Crest Nicholson regarding the recent refusal of an application relating to land off Attwood Lane, Hereford. He requested volunteers from the Committee to assist in the appeal. Councillors Hubbard, Greenow and Watts agreed to join Councillors Edwards and Robertson who had already agreed to attend the appeal.

**83. APPEALS**

The Planning Committee noted the report.

**84. N121940/O - LAND ADJACENT TO BLISS HOUSE, STAUNTON ON WYE, HEREFORDSHIRE, HR4 7NA**

The Principal Planning Officer gave a presentation on the application.

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

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

- The Planning Inspector's view was that the land was suitable for housing and it would have been included in the UDP had it not been considered that the change could result in a delay in the adoption of the policy.
- The lack of a 5 year housing supply had resulted in the site now being considered as suitable for housing development.
- The Parish Council had objected to the application although their proposed neighbourhood plan would consider it for development.

The Committee raised concerns in respect of the proposed layout of the site and were of the opinion that the affordable housing provision on the site should be better integrated with a provision of larger homes. They were concerned that the proposed layout could result in a social division on the site.

The Concerns of the Parish Council were noted however the Committee disagreed with their comments that nothing had changed since the application was previously submitted in 1999. It was noted that the situation had changed and that the lack of a 5 year housing supply had made it difficult to refuse these types of applications.

The Committee expressed their concerns regarding the lack of a 5 year housing supply for the County as defined in the National Planning Policy Framework. They discussed the matter at length and requested that further investigation be undertaken outside of the remits of the Planning Committee. They were concerned that more suitable sites could be overlooked in favour of sites brought to the attention of the Committee through the planning application process. The Chairman was requested to liaise with the Scrutiny team to address the concerns of the Committee.

In respect of the points raised during the debate, the Principal Planning Officer advised that the layout plan was purely indicative and that the actual site layout would be determined at the reserved matters stage. He did however add that in general housing associations preferred affordable housing to be in one area for ease of maintenance. In response to a point raised regarding the size of the proposed affordable units, the Principal Planning Officer confirmed that two-bedroom homes had been recommended as a result of the housing needs survey undertaken in the area. In response to a final point regarding land use he also advised that the commercial usage on the site would cease and move to an alternative new site.

Councillor Hope was given the opportunity to close the debate. He chose to make no additional statement.

**RESOLVED**

**Subject to completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990, in accordance with the terms in the agreement annexed to this report, Officers named in the Scheme of Delegation to Officers, be**

authorised to issue planning permission subject to the conditions below and any additional conditions considered necessary by Officers:

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. **L01 Foul/surface water drainage**
6. **L02 No surface water to connect to public system**
7. **L03 No drainage run-off to public system**
8. **G11 Landscaping scheme – implementation**
9. **K4 Nature conservation - implementation**

#### **Informative**

1. **I33 – General ecology**

#### **Reasons for Approval**

It has been established that Policy H7 of the Unitary Development Plan (UDP) is not up to date due to the deficit in housing land supply, and therefore the provision of the National Planning Policy Framework (NPPF) take precedent. Accordingly there is a requirement for the local planning authority to release further land for housing and grant planning permission, provided that it accords with the UDP in all other respects.

It has been demonstrated that the proposal is sustainable in terms of its location and through the fact that part of the site is previously developed land, and therefore the proposal accords with Policy S1 of the UDP and the NPPF.

The local planning authority is satisfied that there is sufficient capacity within the local road network to accommodate the traffic likely to be generated by this proposal, particularly as this will be offset by existing traffic movements associated with the existing use of the site. The proposal accords with Policies DR3 and T8 of the UDP.

In light of the fact that the application is made in outline, other matters relating to the detailed layout, drainage arrangements and impact on residential amenity can all be dealt with through the submission of an application for reserved matters.

#### **85. S121503/F - UPPER HOUSE FARM, BACTON, HEREFORD, HEREFORDSHIRE, HR2 0AU**

The Principal Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mr Hunter, a neighbouring resident, spoke in objection to the application, and Mr Robey, the applicant, spoke in support.

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

- The electoral roll listed Bacton as having 50 residents.
- This application had resulted in more letters of objection than any other application in Bacton over the last 18 months.
- The Parish Council had echoed the concerns of the local residents.
- There was no objection in principle although there was a concern that the tents were not visible from the farmhouse, therefore the location for the tents should be revised.
- The tents were 240 metres away from the farmhouse, the applicant had been reluctant to change this despite discussions taking place.
- The nearest shops were 4-5 miles away so visitors would still be dependant on a motor vehicle.
- The application was not in accordance with Policies DR1 and DR3 of the unitary development plan.
- Blue light services would not be able to access the site.
- The buffer zone could not be achieved whilst enabling the woodland owner to still have a 12 ft legal access.
- Due to the concerns in respect of access, health and safety, site management and the location of the tents, the application should be refused.

The debate was opened with a Member of the Committee speaking in support of the application. He was of the opinion that the application highlighted the unique selling points of the county and enabled visitors to see rural Herefordshire at its finest. He did however note that there was still a requirement to protect the woodland trust and considered that this could best be achieved by educating visitors as to the reasons why they should not scavenge wood for fires. He noted the concerns in respect of the location of the proposed tents but considered that the proposed area for the tents appeared to be the most suitable area on the site due to its topography. Finally he requested that appropriate monitoring of the site be undertaken to ensure that the tents were taken down over the winter months and then re-erected in spring.

Members continued to discuss the application and whilst broadly in support they did highlight some concerns including the possible risk of fire through the stoves and cookers which were proposed to be located inside the tents. Further concerns related to the apparent lack of a site management plan, although it was noted that this would be required prior to any of the tents being occupied; the right of access to the site; the proposed siting of the tents; and the difficulty in accessing the site by the emergency services.

Members continued to discuss the application with a number highlighting that the proposed usage was a low impact use and therefore a good farm diversification. However in supporting the application concerns were still expressed in respect of possible safety issues on the site.

Regarding the issue of visual impact, one member proposed that the tents should be finished in the dark green material demonstrated to members on the site inspection. Another Member of the Committee was of the opinion that a slate blue finish would reduce the visual impact considerably.

The right of access issue caused some concern to Members with the Committee stating that any right of access should be honoured and not obstructed in any way. The Head of Neighbourhood Planning responded to this point and advised that a planning permission

would not supersede any right of access. It was further noted that if the location of the tents did impede the right of access the applicant could come back to the planning department with a revised site layout.

The Head of Neighbourhood Planning addressed a number of further issues raised by the Committee during the debate. He advised that the applicant may have been awaiting a planning permission prior to completing the site management plan; that issues of health and safety did not fall within the remit of the Planning Committee; that the water supply was also not within the remit of the committee and that enforcement action would be taken if the tents were not removed from the site between October and March.

The Principal Planning Officer also clarified a number of points raised by the Committee. He advised that the mains water pipe would be extended to provide water; that the issue of stoves within tents was not a new one and should not result in any health and safety issues; that the collection of wood could be addressed through better education; and that the buffer zone proposed was a mix of deciduous plants which would not be able to restrict the existing access to the site.

Councillor Powell was given the opportunity to close the debate. He reiterated his opening remarks and made additional comments, including:

- The proposed site is on a slope.
- Emergency vehicles would not be able to access the field.
- The stoves could result in a fire risk.
- The two access gates shown on the plan are obstructed by the tents.

A motion to approve the application was lost. A motion to defer the application pending further discussions with the applicant in respect of the proposed location of the tents was also lost.

At this stage the Committee discussed the reasons proposed for refusing the application. Members were of the opinion that the application was contrary to Unitary Development Plan Policies DR2 and DR3 in terms of land use and activity as well as the issues relating to the difficult access to the site by emergency vehicles.

## **RESOLVED**

**THAT planning permission be refused for the following reason:**

- 1. The proposed camp site given its relationship to the road network and existing access route is isolated and would not be readily accessible for emergency vehicles and further would not provide a safe and convenient access for visitors of the camp site. Therefore, the proposal is contrary to the provisions of Policies DR2 and DR3 of the Herefordshire Unitary Development Plan.**

### **86. N101140/L - THE COTTAGE, ASHPERTON, HEREFORDSHIRE, HR8 2RZ**

The Senior Planning Officer gave a presentation on the application.

The Committee noted that the application had only been brought before them as it had been submitted by a Council Officer in a politically restricted post.

The Development Manager (Northern Localities) advised that the recommendation should be amended to grant listed building consent and not planning permission as referred to in the report.

## **RESOLVED**

**That listed building consent be granted subject to the following conditions:**

- 1. D01 Time limit for commencement (Listed Building Consent)**
- 2. B01 Development in accordance with the approved plans**
- 3. D05 Details of external joinery finishes**

### **Reason for Approval**

- 1. The installation of oak framed windows is considered an acceptable response to the need to replace existing rotting softwood units. The plans submitted propose a design which respects the historic fabric and aesthetic quality of the dwelling in accordance with policies DR1 and HBA1 of the Herefordshire Unitary Development Plan and is consistent with the National Planning Policy Framework.**

## **87. S122243/FH - 1 ARUNDEL CLOSE, BELMONT, HEREFORD, HR2 7ST**

The Development Supervisor gave a presentation on the application.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillor GA Powell, one of the local ward members, commented on a number of issues, including:

- No site visit had been approved by the Council however she had visited the site with the Planning Officer.
- The Transportation Manager had not objected to the application.
- The site was not public open space and was in the ownership of the applicant.
- The amenity value was not significant as public open space.
- Paragraphs 6.6, 6.7, 6.9 and 6.10 of the officer's report were all in support of the application.
- Visibility was not an issue.

Councillor PJ Edwards also commented on a number of issues, including:

- The venting gabions needed to be accessed and should not be fenced in.
- The proposed mitigation measures were a concern.
- Trees had been felled and the gabion had been unearthed.
- The application was contrary to Unitary Development Plan Policy S1 as it did not respect or improve the health and safety through reduced pollution and safer design of the built environment and landscaping.
- The application was contrary to UDP Policy S2 as high standards of design and layout were not being retained from the initial planning permission for Arundel Close.
- The application was contrary to UDP Policy DR1 in terms of design principles and poor design and does not promote or reinforce the distinctive character and appearance of the locality.

- The application was also contrary to UDP Policies DR2 and DR3.
- The application was contrary to UDP Policy H13 in terms of sustainable residential design.
- Policies LA2, LA3, LA5 and LA6 were also quoted as landscape reasons for refusing the application.
- The application was contrary to UDP Policy HBA9 in terms of the protection of wildlife corridors within built up areas.
- Due to these policy issues the application should be refused.

Members discussed the application and were generally in support of the application. They noted the existing posts that appeared to be higher than the two metres stated in the report however they were reassured by the Development Supervisor that the posts would be cut down to two metres high once the fence panels were erected. Members were of the opinion that a condition requiring the fence posts to be reduced in size in a designated time frame would be beneficial.

The Development Manager (Northern Localities) advised Members that the parcel of land in question was in fact part of the applicant's garden and that it was not a public open space. He added that the applicant could have erected a lower fence without any need for planning permission.

It was noted that there had only been one letter of objection received in respect of the application and that this had now been withdrawn.

Councillors Edwards and Powell were given the opportunity to close the debate. Councillor Edwards reiterated his opening remarks and made additional comments, including:

- The application had been bought before the committee as the Parish Council and one of the Local Ward Members had objected to it.
- Site photographs presented to the Committee should be supplied by the Planning Department and not by the applicant.
- The application was out of character with the design statement.

Councillor Powell reiterated her opening remarks and made additional comments, including:

- The existing fence will be removed and the new fence posts will be reduced to two metres high.
- The existing trellis will also be removed.
- The application should not have been bought before the Committee.

**RESOLVED:**

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

- 1. B02 Development in accordance with approved plans and materials**
- 2. The fence, subject of this approval, shall not exceed 2 metres in height when measured from the highest point of adjacent land.**

**Reason for Approval**

1. In making this decision and noting that the development had been commenced the local planning authority concluded that the development would not harm the visual amenity of the area, adversely affect residential amenity or have an adverse impact on highway safety.

The local planning authority concludes that the development is in accordance with policies S2, DR1, DR3 and H18 of the Herefordshire Unitary Development Plan 2007.

The meeting ended at 12.15 pm

**CHAIRMAN**