

**MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 15 May 2013 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, RC Hunt, JG Lester, RI Matthews, FM Norman, AJW Powers, GR Swinford and PJ Watts

**In attendance:** Councillors CM Bartrum, AJM Blackshaw, Mayo, PM Morgan and A Seldon

**188. APOLOGIES FOR ABSENCE**

Apologies were received from Councillor Brig P Jones CBE.

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

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillor P Rone attended the meeting as a substitute member for the currently vacant conservative party seat on the Committee.

**190. DECLARATIONS OF INTEREST**

6. SE100966/F - PENNOXSTONE COURT FARM, KINGS CAPLE, HEREFORDSHIRE, HR1 4TX.

Councillor BA Durkin, Non-Pecuniary, The Councillor advised that he was a Member of the Wye Valley AONB Joint Advisory Committee.

Councillor J Hardwick, Non-Pecuniary, The Councillor advised that he was a Member of the Wye Valley AONB Joint Advisory Committee.

Councillor PGH Cutter, Non-Pecuniary, The Councillor advised that he was Chairman of the Wye Valley AONB Joint Advisory Committee.

11. 130191/O - LAND ADJACENT HARWELL, BRAMPTON ABBOTS, ROSS ON WYE, HR9 7JD.

Councillor BA Durkin, Non-Pecuniary, The Councillor advised that he was a Member of the Wye Valley AONB Joint Advisory Committee.

Councillor J Hardwick, Non-Pecuniary, The Councillor advised that he was a Member of the Wye Valley AONB Joint Advisory Committee.

Councillor PGH Cutter, Non-Pecuniary, The Councillor advised that he was Chairman of the Wye Valley AONB Joint Advisory Committee.

12. S123565/F - SUFTON RISE, MORDIFORD, HEREFORDSHIRE, HR1 4EN.

Councillor BA Durkin, Non-Pecuniary, The Councillor advised that he was a Member of the Wye Valley AONB Joint Advisory Committee.

Councillor DW Greenow, Non-Pecuniary, The Councillor advised the he lived near to the application site.

Councillor J Hardwick, Non-Pecuniary, The Councillor advised that he was a Member of the Wye Valley AONB Joint Advisory Committee.

Councillor PGH Cutter, Non-Pecuniary, The Councillor advised that he was Chairman of the Wye Valley AONB Joint Advisory Committee.

13. 130060/F - LAND SOUTH OF GREYTREE ROAD, GREYTREE, ROSS ON WYE, HEREFORDSHIRE.

Councillor BA Durkin, Non-Pecuniary, The Councillor advised that he was a Member of the Wye Valley AONB Joint Advisory Committee.

Councillor J Hardwick, Non-Pecuniary, The Councillor advised that he was a Member of the Wye Valley AONB Joint Advisory Committee.

Councillor PGH Cutter, Non-Pecuniary, The Councillor advised that he was Chairman of the Wye Valley AONB Joint Advisory Committee.

**191. MINUTES**

**RESOLVED: That the Minutes of the meeting held on 24 April 2013 be approved as a correct record and signed by the Chairman.**

**192. CHAIRMAN'S ANNOUNCEMENTS**

**193. SE100966/F - PENNOXSTONE COURT FARM, KINGS CAPLE, HEREFORDSHIRE, HR1 4TX**

Prior to the debate the Vice-Chairman, Councillor BA Durkin, left the chamber as he had recently spoken in objection to the application and wished to avoid any accusation of pre-determination or bias.

The Head of Neighbourhood Planning advised the Committee that an informative note in respect of positive and proactive working had been omitted on the decision for Pennoxstone Court. He drew Members' attention to the Update Sheet and advised them that the recommendation had changed following further legal advice.

**RESOLVED:**

**That the Council recognises that it issued an incorrect decision notice that did not include the Statement of Positive and Proactive Working but that this was not prejudicial to the decision to refuse planning permission at the Planning Committee meeting on 24 April 2013**

**194. 130166/F - SITE ADJACENT TO 4 VALENTINE COURT, CANON PYON, HEREFORD, HR4 8NZ**

The Principal 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.

In accordance with the criteria for public speaking, Mr Vaughan, representing Pyons Group Parish Council, and Mrs McLeod, a neighbouring resident, spoke in objection to the application and Mr Spreckley, the applicant's agent, spoke in support.

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

- The Parish Council were in support of development within the village but had concerns in respect of the proposed site.
- The application would usually be deemed as contrary to Policy H7 of the UDP.

- The NPPF gave a presumption in support of sustainable development due to the Council's lack of a 5 year housing supply.
- The emerging NPPF promoted localism, the Committee should note the concerns of the local residents and the Parish Council.
- The only Neighbourhood Plan in the Country had recently been adopted in Cumbria, the Parish Council should not be criticised for not having an adopted Plan.
- The parish Plan promoted a central hub and did not support development outside of the settlement boundary.
- The Committee refused the previous application on the site.
- Growth was needed in the County however any growth had to be right.
- Further discussion regarding the Section 106 agreement was welcomed.

The debate was opened with two Members of the committee noting the concerns of the Parish Council and the local residents but advising that the committee's decision should be based on material planning considerations. It was noted that the current application had addressed a number of the issues that had led to a previous application on the site being refused. The applicant's offer to investigate an alternative method of drainage, such as a Sustainable Urban Drainage Scheme, was welcomed, with one of the members stating that this should form a condition if planning permission was granted.

Another Member of the Committee drew Members attention to the requirements of the National Planning Policy Framework which stated that brownfield sites should be developed ahead of greenfield sites. He noted the concerns of the Parish Council and considered that the application should be refused. This view was supported by other Members of the Committee who were of the opinion that considerable weight should be given to the views of the Parish Council and the local residents in determining the application.

Members continued to discuss the application and had a number of concerns regarding the drainage issues on the site. It was noted that the neighbouring residents had taken a number of photographs showing the site in a waterlogged state, it was also noted that the drainage report had noted that there were issues regarding drainage on the site however the report had concluded that these issues could be overcome. Further concern was expressed regarding the lack of children's play provision on the site; the density of the site; and the lack of bungalows as part of the proposed affordable housing.

In response to a number of questions, the Principal Planning Officer advised that:

- there was an identified brownfield site which had been allocated for housing in the Unitary Development Plan. However he added that this site had never been brought forward for development;
- it was the housing association's preference to group the affordable housing together rather than integrate the homes throughout the site;
- there were 44 parking spaces on the site which accorded with policy;
- there would be a technical solution to the drainage issues;
- he did not have details regarding the number of times the site had flooded over the previous year;
- a traffic survey had not been undertaken, however the Highways Engineer was content with the application.

Another Member of the Committee noted that there were other sites available in the village and considered that this was a material planning consideration. He also had

concerns in respect of the proposed layout of the development with particular concern being expressed regarding the roadside dwellings.

The Head of Neighbourhood Planning advised the Committee that permission should be granted in accordance with the NPPF unless refusing the application significantly and demonstrably outweighed the benefits of approving it. He added that it was regrettable that the Parish Plan had not yet been developed and advised the Committee that refusing the application on technical grounds or with reference to the neighbourhood plan could leave the authority subject to an appeal.

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

- If the LDF had been adopted the Parish Plan would be viewed differently.
- If the application was approved the Section 106 agreement should be reviewed in consultation with the Parish Council and the Local Ward Member.
- There were concerns regarding the roadside affordable housing.
- If the application was granted the applicant should be required to provide a mature hedge as part of the landscaping conditions.

Members were requested to clarify their reasons for refusing the application. The Committee were of the opinion that the application was contrary to Unitary Development Plan Policies H4, H7, H15, H19, and DR1 together with sections 7, 8, and 11 of the National Planning Policy Framework.

**RESOLVED:**

**That planning permission be refused for the following reasons:**

- 1. The site is within the countryside outside of the settlement boundary for Canon Pyon as defined in the Herefordshire Unitary Development Plan. The development does not satisfy any of the exception criteria within Policy H7 and therefore the development is contrary to this policy. The development is also considered to adversely impact upon the visual character of the area and therefore, notwithstanding the current deficiency in the supply of housing land, the adverse landscape impact is considered to outweigh the benefits of the development. Consequently, the development is contrary to Policies DR1, H4, H7 and DR13 of the Herefordshire Unitary Development Plan and advice within the National Planning Policy Framework.**
- 2. The proposal fails to reinforce the distinctive character or appearance of the locality due to its layout and density, creating a suburban road frontage in a rural village, contrary to Policies DR1, H13 and H15 of the Herefordshire Unitary Development Plan and advice within the National Planning Policy Framework.**
- 3. The site is prone to waterlogging and surface water flooding and the applicant has failed to demonstrate how adequate provision can be made for the disposal of surface water contrary to Policies DR1 and Dr4 of the Herefordshire Unitary Development Plan.**
- 4. The scheme fails to make adequate provision of outdoor play space and is contrary to Policy H19 of the Herefordshire Unitary Development Plan.**
- 5. The application is not accompanied by a completed Section 106 Agreement considered necessary to make the development acceptable and is therefore**

**contrary to Policy DR5 of the Herefordshire Unitary Development Plan and the Council's Supplementary Planning Document on Planning Obligations.**

### **Informative**

- 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 and by identifying matters of concern with the proposal and clearly setting these out in the reason(s) for refusal. Furthermore, Members of the planning committee which took the decision to refuse planning permission have been asked to consider whether there are opportunities to amend the development to address this harm. Where a potential way forward has been identified, this has been communicated to the Applicant. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.**

**195. N123414/CD - HOPE FAMILY CENTRE, HEREFORD ROAD, BROMYARD, HEREFORDSHIRE, HR7 4QU**

The Chairman advised the Committee that the application had been withdrawn at the applicant's request.

**196. N123415/CD - HOPE FAMILY CENTRE, HEREFORD ROAD, BROMYARD, HEREFORDSHIRE, HR7 4QU**

The Chairman advised the Committee that the application had been withdrawn at the applicant's request.

**197. N123428/CD - HOPE FAMILY CENTRE, HEREFORD ROAD, BROMYARD, HEREFORDSHIRE, HR7 4QU**

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.

In accordance with the criteria for public speaking, Mrs Churchill, representing Avenbury Parish Council, and Mr Morris, a neighbouring resident, spoke in objection to the application and Mrs Davies, the applicant, spoke in support.

In accordance with paragraph 4.8.2.2 of the Council's Constitution, Councillors A Seldon and JG Lester, the local ward members, commented on a number of issues, including:

- Unfortunately relationships between the applicant and the neighbouring resident had broken down, this was regrettable.
- There were issues regarding parking at the site, this was recognised.
- The Hope Centre had provided a valuable resource to the community since its inception in 1999.
- The centre had started as a portakabin on the site.
- The concerns of the neighbouring resident needed to be addressed.
- There were funding difficulties for the centre and alternative methods of income needed to be investigated.
- The centre needed to remain viable.

Councillor PM Morgan, the Cabinet Member for Health and Wellbeing, addressed the Sub-Committee in support of the application. She advised Members that Children's Centres ensured that Children had the best possible start in life and urged all Councillors to get involved with their local centre. She added that finances were a concern for Children's Centres in the current economical climate and therefore they needed to adapt and be more flexible. Councillor Morgan left the meeting at the conclusion of her submission and took no further part in the meeting.

Members discussed the application and although they noted the neighbouring resident's concerns they were of the opinion that the application should be granted.

In response to a question, the Planning Officer advised that although the premises was not licenced they could apply for a temporary event notice if they wished to offer licenced activities. In response to a further question she advised that the application had only come before the Committee as the Council had an involvement in the application.

In response to a question regarding the boundary fence, the Development Manager advised that the fence had been erected in accordance with the previous conditions and that the ombudsman had also supported this view. In addition to this point he added that the fence was two metres in height with an additional one metre of netting and that it did not act as an acoustic barrier. He advised Members that if they were concerned about the impact on the amenity of the neighbouring resident they could choose to allow a temporary permission to allow sufficient time to monitor the site.

Members noted that there was a difficult relationship between the parties and noted that this was a concern. They also had concerns regarding the fence but decided against granting a temporary planning permission on the site.

Councillors Seldon and Lester were given the opportunity to close the debate. They reiterated their opening remarks and made additional comments, including:

- Councillor Lester had spoken to both parties and advised that he would be happy to assist in attempting to improve the relationship between them.
- There had been a delay in undertaking the landscaping and erecting the fence previously.
- The facility would not be noisy and would not be used 7 days a week.
- Councillor Seldon suggested that a temporary permission would be a good compromise and would give Mr Morris some reassurances.

#### **RESOLVED:**

**That condition 14 of the planning permission DCNC0009/1820/CD be varied as follows:**

- 1. The permission hereby granted is an amendment to planning permission DCNC0009/1820/CD dated 10 November 2010 and, otherwise than is altered by this permission, the development shall be carried out in accordance with that planning permission and the conditions attached thereto.**

**Reason: For the avoidance of doubt and to comply with the requirements of Policy DR1 of the Herefordshire Unitary Development Plan.**

- 2. Unless otherwise first agreed in writing by the Local Planning Authority, the premises shall not be open to the public outside the hours of:-**

**07.00 hours to 18.00 hours on Sundays and Bank or other public holidays.**

**07.00 hours to 2230 hours on any other day.**

**Reason: In the interests of residential amenity in the locality and in accordance with Policy DR1 of the Herefordshire Unitary Development Plan.**

- 3. The café and kitchen within the building shall not be open independently past 21.00 and shall only be used ancillary to the use of the existing premises.**

**Reason: To ensure the development is in-keeping with the existing use on site and to comply with the requirements of Policy CF5 of the Herefordshire Unitary Development Plan**

**Reason for Approval:**

- 1. The application was considered against the background of seeking to protect and maintain the existing residential amenity and character within the area. The Local Planning Authority considered that the variations in the planning condition would not adversely affect residential Amenity by way of noise nor cause light pollution. As such, the proposal is considered to comply with the provisions of the Herefordshire Unitary Development Plan 2007 and the National Planning Policy Framework (NPPF).**

**Informative:**

- 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.**

**198. 130191/O - LAND ADJACENT HARWELL, BRAMPTON ABBOTS, ROSS ON WYE, HR9 7JD**

The Principal 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

In accordance with the criteria for public speaking, Mr Read, representing a number of local residents, spoke in objection to the application and Mr Snell, one of the applicants, spoke in support.

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 merits of the application were evident.
- The modern residential development in the immediate vicinity was a consequence of a redevelopment of a historic poultry farmyard (i.e..a brownfield site). This development therefore represented a logical infill of a residual gap
- The application proposed a single storey dwelling on a brownfield site.
- The application complied with the NPPF as it would enhance the rural community.

- The site was sustainable due to its close proximity to Ross-on-Wye. In terms of the context of Herefordshire being a rural county the site was considered to be sustainable.
- There would not be any overlooking issues in respect of Townsend Cottage, whose owners had written in support of the application.
- The Parish Council supported the application.
- The development should be viewed as infill and not development in the open countryside.
- The application was not detrimental to the AONB.
- The Core Strategy promoted localism.

Members discussed the application and considered that it was not an isolated site as there were a number of dwellings nearby. It was also noted that the surrounding area was a redundant poultry farm and that paragraph 111 of the National Planning Policy Framework encouraged the development of brownfield sites.

The Committee noted that there were two trees on the site that were worthy of retention. They requested that an appropriate condition be added to the resolution to protect these trees in the event of the application being approved.

The Head of Neighbourhood Planning advised Members that they were required to determine the application in accordance with policy, he asked them to give their reasons for approving the applications based on the three reasons for refusal as set out in the recommendation.

The Committee considered that the application should be approved as a departure from Unitary Development Plan Policy H7 based on the Council's current lack of a five year housing supply. It was also noted that the application related to the infilling of a small gap between dwellings in a sustainable location. Members did not consider that the development would harm the character or appearance of the Area of Outstanding Natural Beauty. They also noted that paragraph 55 of the NPPF would be in support of the application subject to an 'exceptional design', however the Development Manager advised the Committee that this would not be appropriate as the application was solely for outline permission and therefore a final design had not been submitted.

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

- The design of the proposed dwelling must be of the highest quality due to it being located within the AONB.

## **RESOLVED**

**That planning permission be granted subject to conditions relating to the protection of trees on the site and any conditions deemed necessary by officers named in the scheme of delegation to officers.**

### **199. S123565/F - SUFTON RISE, MORDIFORD, HEREFORDSHIRE, HR1 4EN**

The Principal 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

In accordance with the criteria for public speaking, Mrs Shearer, representing Dormington and Mordiford Parish Council, spoke in support of the application.



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

- There had been a considerable amount of consultation undertaken by the Parish Council to ensure the application was appropriate.
- The application had been amended during the application process to take into account concerns raised.
- The site was less than one mile away from Mordiford.
- The Parish Plan for Mordiford was adopted in 2006.

Members noted that the application had the support of the majority of the local residents and that a great deal of work had been undertaken by the Parish Council in bringing forward a suitable application to address the housing needs for the residents of Mordiford.

It was noted that the application encompassed a number of features such as allotments, affordable housing, hedgerow retention, sustainable building standards, and a children's play area.

The provision of bungalows on the site was welcomed with the Committee noting that this could make additional family homes available within the locality.

Members did have one area of concern regarding the narrow footpath and requested that this matter be investigated further by the highways department to ensure pedestrian safety was not compromised.

Councillor Hardwick was given the opportunity to close the debate but chose to make no additional statement.

**RESOLVED:**

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

1. **A01 Time limit for commencement (full permission)**
2. **B07 Section 106 Agreement**
3. **C01 Samples of external materials**
4. **G10 Landscaping scheme**
5. **G11 Landscaping scheme – implementation**
6. **I18 Scheme of foul drainage disposal**
7. **The recommendations set out in the ecologist's report dated December 2012 should be followed. Prior to commencement of development, an ecological enhancement scheme based on these recommendations shall be submitted to the Local Planning authority for written approval. The scheme shall be implemented as approved.**

**Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6 and NC7 of the Herefordshire Unitary Development Plan.**

8. I20 Scheme of surface water drainage
9. H03 Visibility splays (2.4m x 210m)
10. H09 Driveway gradient
11. H11 Parking - estate development (more than one house)
12. H18 On site roads - submission of details (including outfall arrangements and piping of the roadside ditch)
13. H21 Wheel washing
14. H27 Parking for site operatives
15. H19 On site roads - phasing
16. I51 - Details of slab levels
17. I55 - Site Waste Management
18. The allotments and play area hereby approved shall be completed in accordance with details to be approved in writing by the local planning authority prior to the first occupation of any of the dwellings hereby approved.

**Reason:** In order to ensure that the community facilities are available for use so as to comply with Policy CF5 of the Herefordshire Unitary Development Plan.

#### **Reason for Approval**

1. The application has been considered with regard to 'saved' Unitary Development Plan Policies S1, S2, S7, DR1, DR2, DR3, DR5, H6, H7, H9, H10, H13, H15, H16, H19, LA1, LA4, LA5, LA6, NC1, NC7, NC8 and CF5 together with guidance laid down in the National Planning Policy Framework. The development promotes the provision of affordable housing and other community facilities to meet a long-established local need in the context of a current lack of housing land supply. The development, which is within the Wye Valley Outstanding Natural Beauty, is considered small-scale and necessary to facilitate the economic and social well-being of the designated area and its communities, would provide appropriate mitigation and compensation in relation to biodiversity and is in the public interest. Vehicular access from the C1262 is considered appropriate in accordance with Policy DR3, whereas the development would not, in the opinion of the local planning authority, adversely affect the living conditions of existing occupants of Sufton Rise. The local planning authority concludes that the development accords with the presumption in favour of sustainable development as set down in 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. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**

- 2. HN10 No drainage to discharge to highway**
- 3. HN08 Section 38 Agreement & Drainage details**
- 4. HN05 Works within the highway**
- 5. HN24 Drainage other than via highway system**

**200. 130060/F - LAND SOUTH OF GREYTREE ROAD, GREYTREE, ROSS ON WYE, HEREFORDSHIRE**

The Principal 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

In accordance with the criteria for public speaking, Mrs Wareing, a neighbouring resident, spoke in objection to the application and Mr Goodwin, the applicant's agent, spoke in support.

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

- The community was not in support of the application with 150 letters of objection being received by the planning department.
- The part of the site subject to the application had not been identified in the UDP or the Strategic Housing Land Availability Assessment (SHLAA).
- The site fell within the AONB.
- There were issues regarding the site boundary as set out in the application.
- There were traffic concerns in the area, the traffic survey was not accurate.
- The application would result in significant overlooking for the residents of Belle View.
- The development fell one dwelling short of the threshold to require affordable housing.
- Consultation dates had been changed throughout the process resulting in confusion to the local residents.
- The application should be refused.

Councillor CM Bartrum, the other local ward member, also made additional comments, including:

- The NPPF introduction stated that it 'allowed people and communities back into planning.'
- The previous application was refused due to the design, scale and layout.
- The application was contrary to UDP policies DR1, H13, H19, LA1, LA2, and LA6.

- The application was also contrary to the NPPF.
- The scale had not been altered since the previous application and the proposed layout was now worse than the original application due to the loss of the play area.
- The NPPF stated that 'better lives for ourselves doesn't mean worse lives for future generations'.
- Although the development fell below the threshold for affordable housing, it could still be required if the development was deemed as phased application.
- The voluntary contribution was significantly lower than what would have been required under a Section 106 agreement.

The debate was opened by a number of Members speaking in objection to the application. It was considered that the application would result in overdevelopment of the site; that the application was contrary to policy H13 of the Unitary Development Plan and that it was contrary to paragraph 123 of the National Planning Policy Framework. Concern was also expressed regarding the applicants offer of £5000 as it was not considered that the threshold for a Section 106 agreement was not appropriate. Members noted that if the Community Infrastructure Levy had been in place the applicant would have been required to pay approximately £140,000. The offer of £5000 was therefore seen as insufficient.

Members also had concern regarding the possibility of a staged development, as the current application fell below the affordable housing threshold, and sought assurances that this would not be permitted.

Members continued to discuss the policy issues and stated that the application was also contrary to UDP Policies DR4 and H14. It was further noted that the application site fell within the Wye Valley AONB.

In response to a question, the Principal Planning Officer advised that plot number one was five metres away from the dwelling known as Belle View.

Members noted that there had been some concerns in respect of the accuracy of the plans with particular reference made to an incorrect boundary line. They considered that the issues resulting in the previous application on the site being refused had not yet been addressed and requested that the previous reasons for refusing the application still stood.

The Development Manager advised that the current application had been submitted in order to address the technical reasons given for refusing the previous application on the site, he noted that it was the Committee's opinion that these technical matters had not been overcome. He advised Members that the Council's lack of a 5 year housing supply, as required by the NPPF, would be a significant issue if the decision was appealed.

Councillors Mayo and Bartrum were given the opportunity to close the debate but they chose to make no additional statements.

#### **RESOLVED:**

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

- 1. The proposal, by reason of its scale, design and layout in this highly prominent and elevated location, would be out of keeping with the prevailing residential character of the locality and would detract from the contribution that this site makes within the Wye Valley Area of Outstanding**

**Natural Beauty, the setting of Ross on Wye and the immediate locality. It is not considered that the proposal adequately mitigates for its impact within this edge of settlement location or results in a form of development that promotes or reinforces the distinctive character and appearance of the locality. Therefore, the proposal is contrary to Policies DR1, H13, LA1, LA2, LA3, LA5, LA6 and HBA9 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework which attaches great weight to conserving the landscape and scenic quality of Areas of Outstanding Natural Beauty and seek to ensure that development establish a strong sense of place, respond to local character and are visually attractive.**

#### **Informative**

- 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 and by identifying matters of concern with the proposal and clearly setting these out in the reason(s) for refusal. Furthermore, Members of the planning committee which took the decision to refuse planning permission have been asked to consider whether there are opportunities to amend the development to address this harm. Where a potential way forward has been identified, this has been communicated to the Applicant. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.**

#### **201. DATE OF NEXT MEETING**

The Planning Committee noted the date of the next meeting.

#### **APPENDIX 1 - SCHEDULE OF COMMITTEE UPDATES**

The meeting ended at 1.35 pm

**CHAIRMAN**



# PLANNING COMMITTEE

15 May 2013

## 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.**

**SE100966/F – APPLICATION (PAR RETROSPECTIVE) TO ERECT, TAKE DOWN AND RE-ERECT POLYTUNNELS, ROTATED AROUND FIELDS AS REQUIRED BY THE CROPS UNDER CULTIVATION (SOFT FRUIT) AT PENNOXSTONE COURT FARM, KINGS CAPLE, HEREFORDSHIRE, HR1 4TX**

**For: N J & I E Cockburn per Mr Anthony Aspbury, Unit 20, Park Lane Business Centre, Park Lane, Basford, Nottingham, NG6 0DW**

### OFFICERS COMMENTS/ADDITIONAL REPRESENTATIONS

This report has been prepared to address the absence of the informative note regarding the Statement of Positive and Proactive Working from the original committee report and subsequent decision notice. Inclusion of the informative note is a legal requirement.

Since the issuing of the decision notice the applicants solicitors have written to challenge the Council's ability to amend the decision notice retrospectively and also that the Council did not act in a positive and proactive manner in determining the application.

The Council has subsequently taken legal advice. This confirms that the decision notice cannot be amended but that a Committee resolution should be sought to effect that Members are made aware of the omission and are content that its absence would not have had a material effect upon the decision to refuse planning permission in accordance with the recommendation.

Officers reject the allegation that the Council has not acted positively and proactively. Following the decision of the Court to quash the planning permission officers met with the applicant and his professional representatives to agree a timetable for re-determination, the nature and scope of additional information required and also undertook a joint site visit to establish the representative viewpoints and extent of landscaping undertaken. The report to committee was the culmination of several years' of engagement with the applicant via his professional representatives. Against this background officers are content that the Council has discharged its duty to act positively and proactively in determining the application.

### CHANGE TO RECOMMENDATION

In light of the legal advice received, the Council cannot issue an amended decision notice as originally intended. As such the recommendation as set out in the agenda should be amended as follows:

**That the Council recognises that it issued an incorrect decision notice that did not include the Statement of Positive and Proactive Working but that this was not prejudicial to the decision to refuse planning permission at the Planning Committee meeting on 24 April 2013.**

**N123414/CD - VARIATION OF CONDITION 15 OF PLANNING PERMISSION DCNC0009/1820/CD AT HOPE FAMILY CENTRE, HEREFORD ROAD, BROMYARD, HEREFORDSHIRE, HR7 4QU**

**For: Mrs Davis, Hope Family Centre per Mr Robert Scott, Property Services, Plough Lane, Hereford, HR4 0WZ**

**Application Withdrawn**

**123415/CD - VARIATION OF CONDITION 2 OF PLANNING PERMISSION DCNC0009/1820/CD AT HOPE FAMILY CENTRE, HEREFORD ROAD, BROMYARD, HEREFORDSHIRE, HR7 4QU**

**For: Herefordshire Council per Mr Robert Scott, Property Services, Plough Lane, Hereford, HR4 0WZ**

**Application Withdrawn**

**123428/CD - VARIATION OF CONDITION 14 OF PLANNING PERMISSION DCNC0009/1820/CD AT HOPE FAMILY CENTRE, HEREFORD ROAD, BROMYARD, HEREFORDSHIRE, HR7 4QU**

**For: Mrs Davis, Hope Family Centre per Mr Robert Scott, Property Services, Plough Lane, Hereford, HR4 0WZ**

#### **ADDITIONAL REPRESENTATIONS**

Two further letters of representation have been received from Eleanor Morris and Cliff Morris, Immediate neighbours to the site. The letters object to all three applications. The points raised in the letters are summarised below;

- Existing parking (16 spaces and 3 disabled) is too small for the nature of use being proposed, with parking already occurring on grass verges of highway;
- Continual breach if planning conditions since the development opened; and
- Impact of changes on their own residential amenity, particularly the extended hours.

#### **OFFICER COMMENTS**

The points raised in the letters are noted and have been considered and covered within the Committee Report.

#### **NO CHANGE TO RECOMMENDATION**



**130191/O - OUTLINE FOR THE ERECTION OF ONE SINGLE STOREY DWELLING AND DOUBLE GARAGE WITH ALL MATTERS RESERVED AT LAND ADJACENT HARWELL, BRAMPTON ABBOTS, ROSS ON WYE, HR9 7JD**

**For: Mr & Mrs Snell per Mr Simon Snell, Eglosderry, Merrymeeting, Gwennap, Redruth Cornwall, TR16 6BL**

#### **OFFICER COMMENTS**

The following informative is added to the recommendation.

#### **Informative:**

- 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 and identifying matters of concern with the proposal and discussing those with the applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.**

#### **CHANGE TO RECOMMENDATION**

That the above informative note be added to the recommendation.

**S123565/F - ERECTION OF 12 NO. AFFORDABLE UNITS WITH ASSOCIATED ACCESS, LANDSCAPING AND ALLOTMENTS AT SUFTON RISE, MORDIFORD, HEREFORDSHIRE, HR1 4EN**

**For: West Mercia Housing Group per Quattro Design Architects Ltd., Imperial Chambers, Longsmith Street, Gloucester, Gloucestershire, GL1 2HT**

#### **ADDITIONAL REPRESENTATIONS**

Heads of Terms have been provided to confirm that all dwellings shall at all times be let and managed by a Registered Housing Association with the intention that the affordable housing units shall not be used for any purpose other than the provision of accommodation via affordable rent and shared ownership.

It is also confirmed that each dwelling shall be allocated to a person who is considered by the Registered Housing Association to be in need of such accommodation, registered with Home Point (or any successor agency) and has a strong local connection with Mordiford and Dormington as a priority, cascading out to adjoining parishes and then elsewhere in Herefordshire.

#### **NO CHANGE TO RECOMMENDATION**

**130060/F - ERECTION OF 14 NO. SEMI-DETACHED AND DETACHED DWELLINGS AT LAND SOUTH OF GREYTREE ROAD, GREYTREE, ROSS ON WYE,**

**For: K W Bell Group Ltd per Walter Stuart, Treetops Studio, Sevenleaze Lane, Edge, Stroud, Glos GL6 6NJ**

**ADDITIONAL REPRESENTATIONS**

Ross Rural Parish Council –

Resolved to object to the revised planning application noS130060/F erection of 14 semi- detached dwellings at Greytrees, Ross-on-Wye.

Despite the revision to the application, the main reason for the objection is that the density of housing is considered to be out of keeping with that of the surrounding residential area.

Two further letters received from a local resident and Greytrees Residents Committee. In respect of revised plans. The points raised are summarised as follows:

- Land not previously identified should be retained as rural
- Development will compound existing problems for traffic exiting the avenues.
- Increased risk of casualties.
- Speed limit should be lowered. Will not know if development will improve highway safety, will only know when built.. Prudent to measure traffic speed in light of changes proposed.
- Determine in line with manual for Streets and MFs2 and latest Department for Transport Circular 01/2013 . Do not be intimidated by developer and consultants.

**OFFICER COMMENTS**

The issue of density has already been addressed within the Committee Report. The issues raised in relation to traffic speed and highway safety were considered by Transportation Manager and members will note no objections are raised subject to appropriate conditions.

**NO CHANGE TO RECOMMENDATION**