

MINUTES of the meeting of Planning Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Wednesday 9 October 2013 at 10.00 am

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

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

In attendance: Councillors AJM Blackshaw and P Sinclair-Knipe

60. APOLOGIES FOR ABSENCE

Apologies were received from Councillor JG Lester.

61. NAMED SUBSTITUTES

In accordance with paragraph 4.1.23 of the Council's Constitution, Councillor P Rone attended the meeting as a substitute member for Councillor JG Lester.

62. DECLARATIONS OF INTEREST

Agenda item 7130997/F – Land at Ufton Court Farm, Ufton Court, Holme Lacy, Hereford

Councillor D Greenow, non-pecuniary, knows the applicant.

Councillor J Hardwick, non-pecuniary, knows the applicant.

Agenda items 10 and 11 S122304/F and S122305/F – Whitehall Farm, Hampton Bishop, Herefordshire

Councillor D Greenow, non-pecuniary, knows the applicant.

Councillor J Hardwick, non-pecuniary, knows the applicant.

Councillor MAF Hubbard, non-pecuniary, knows the applicant.

63. MINUTES

RESOLVED: That the Minutes of the meeting held on 18 September 2013 be approved as a correct record and signed by the Chairman.

64. CHAIRMAN'S ANNOUNCEMENTS

There were no announcements.

65. APPEALS

The Planning Committee noted the report.

66. 130997/F - LAND AT UFTON COURT FARM, UFTON COURT, HOLME LACY, HEREFORD

The Senior Planning Officer gave a presentation on the application. She referred to additional representations set out in the schedule of committee updates, as appended to these minutes. She noted that an informative needed to be added to the recommendation stating that the Authority had acted positively and proactively in determining the application.

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

In accordance with paragraph 4.8.2.2 of the Council's Constitution Councillor P Sinclair-Knipe, the local ward member, spoke on the application. He commented on a number of issues including:

- There were 24 letters in support of the application, which also had the Parish Council's support.
- The farm needed to relocate due to encroachment from development in Hereford and the proposed farmhouse was necessary to carry out farming and ensure security. The Council should support agriculture, families and enterprise.
- The design and location of the property was acceptable.

The debate opened and the following principal points were made:

- The proposed relocation of the farming operation was sound and a farmhouse was needed on site to manage it and ensure security. It was suggested that policies S1, DR1 and DR2 provided grounds for supporting the development. A departure from H7 was justified in the circumstances.
- It was inappropriate for a young family to have to live in temporary accommodation until agricultural buildings were on site.
- There were insufficient policy grounds for granting planning permission.
- It was requested that consideration be given to the opportunity for Members to be more involved in the development of planning policy, to ensure that policies enabled Members' objectives, such as support for farmers, to be delivered transparently and equitably and that applications granted contrary to policy would then be extremely rare.
- It was proposed that conditions should be attached to the application relating to the need for a comprehensive site plan, landscaping and ecology.
- The size and orientation of the property was questioned.

- There was no current farming settlement to justify the need.
- One of the objections made in representations at paragraph 5.3 of the report was that there were other properties for sale locally that could be used. The Principal Planning Officer commented that two properties had been discounted by the applicant because of cost and the view that they were not in close enough proximity to the farm.
- The County Land Agent had commented in his revised comments, set out in the report, that it would be against policy to grant an agriculturally tied dwelling on the grounds of security alone.
- The Head of Neighbourhood Planning commented that policies in the draft core strategy did permit housing in the countryside outside settlements and support agricultural businesses where this was justified. He noted that there was an existing permission for farm buildings but nothing had as yet been built. He questioned what guarantee the Committee had, if it granted permission, that the farm buildings would be built. The policy stated that until a business had been established permission should only be granted for temporary accommodation. He also considered the proposed house was much larger than was required to meet the functional need being asserted. He suggested that if the Committee was minded to grant permission this should be conditional on the farm buildings being built first and agricultural occupancy.
- The Development Manager added that policies H8 and H13 supported dwellings in the countryside in appropriate circumstances. The application before the Committee was for an oversized dwelling and was incomplete.

The local ward member was given the opportunity to close the debate. He reiterated support for the application and requested that the application be approved.

A motion that the application should be approved with conditions relating to the site plan, landscaping, agricultural occupancy, agricultural buildings to be built first, ecology and orientation of the dwelling was carried.

RESOLVED:

That planning permission be granted subject to conditions relating to the site plan, landscaping, agricultural occupancy, agricultural buildings to be built first, ecology and orientation of the dwelling and any conditions deemed necessary by officers named in the scheme of delegation to officers.

(The meeting adjourned between 10.55 and 11.05.)

67. 131732/F - THE SLIP TAVERN, MUCH MARCLE, LEDBURY, HR8 2NG

The Principal Planning Officer gave a presentation on the application.

In accordance with the criteria for public speaking, Mr Page, a resident, and Mr Crowther, of CAMRA, spoke in objection to the application. Mr Ranford, the applicant's agent, spoke in support of the application.

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

- There were 3 similar establishments in competition with the Slip Tavern. The business had been in decline since 2008. There had been a marked decline in the pub's profits following the refurbishment of the Walwyn Arms and its reopening in 2012. It was to be regretted that the business had failed.
- The Parish Council objected to the proposal. There were also 36 letters/e-mails objecting to the application.
- The National Planning Policy Framework promoted the retention of community facilities in rural areas, including public houses.

The debate opened and the following principal points were made:

- The Slip Tavern faced significant competition and it had to be questioned whether there was sufficient population to support the number of similar businesses in the area.
- The applicant's agent had raised the possibility of deferring the application to allow marketing through trade journals. A proposal was made supporting this approach. It was suggested that this would also allow time for an independent valuation of the property to be obtained.
- The Principal Planning Officer confirmed that no pre-application discussion had been sought by the applicant and the application was premature, The onus was on the applicant to provide full information with the application.

The local ward member was given the opportunity to close the debate. He acknowledged deferment was an option but noted that the public house had already been closed since March 2013.

RESOLVED: That consideration of the application be deferred for a reasonable period pending a further marketing exercise through trade journals and an independent valuation of the property.

68. 131885/F - SITE ADJACENT TO 4 VALENTINE COURT, CANON PYON, HEREFORD, HR4 8NZ

The Principal Planning Officer gave a presentation on the application. He referred to additional representations set out in the schedule of committee updates, as appended to these minutes.

In accordance with the criteria for public speaking, Mr Vaughan, Chairman of Pyons Group Parish Council spoke. He opposed the application. Mrs McLeod, a resident, spoke in objection. Mr Spreckley, the applicant's agent, spoke in support of the application.

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

- He referred to the planning history of the site and the grounds on which previous applications had been refused, as described in the report. He supported the Parish Council's comments in opposition to the application, as set out at paragraph 5.1 of the report.
- The Pyons Group Parish Council supported expansion of the village but not in the location proposed. A Neighbourhood Plan was being produced proposing development in the centre of the village. It would be contrary to democracy and the localism agenda to approve the application and detrimental to community engagement.

The debate opened and the following principal points were made:

- The application was basically the same as the one rejected by the Committee in May 2013, with the addition of a hydrology report, and the Committee should reject the application.
- There was support for the opposition to the proposal advanced by the Campaign for the Protection of Rural England, as set out in section 5 of the report.
- Canon Pyon was a linear settlement and the proposed development would not be out of place.
- One Member commented that whilst there was still uncertainty over the hydrology, the proposed condition set out in the recommendation addressed this concern. Some other Members commented that the concerns over flooding were significant enough to continue to be grounds for rejecting the application.
- The Parish Council's plans, whilst in preparation, lacked any material planning status.
- Brownfield sites should be developed first.
- The application should be rejected on the grounds of policies H8, S1, DR1 and DR4.

The Development Manager confirmed that the Council was short of the required five year housing land supply. The Secretary of State for Communities had stated that in the absence of a five year land supply he would grant planning applications for housing development and had done so even in Areas of Outstanding Natural Beauty. The Land Drainage Officer did not object on the principle of flooding or drainage grounds, subject to the approval of surface water drainage scheme.

The Council's Legal Officer, as a general point, reminded the Committee that any decision contrary to officer recommendation would require sufficient and relevant reasons in support.

The local ward member was given the opportunity to close the debate. He reiterated his opposition to the application and his support for the Parish Council's plans to meet housing needs.

A motion that the application be refused was lost. A motion that the application be approved in accordance with the officer's recommendation was carried.

RESOLVED:

That officers named in the scheme of delegation be authorised to issue planning permission subject to:

- 1. The completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms appended to this report.**
- 2. The conditions set out in this report and any varied or additional conditions considered necessary by officers:**
 - 1. A01 Time limit for commencement (full permission)**
 - 2. B01 Amended plans**
 - 3. C01 Samples of external materials**
 - 4. F16 No new windows in specified elevation**
 - 5. G04 Protection of trees/hedgerows that are to be retained**
 - 6. G10 Landscaping scheme**
 - 7. G11 Landscaping scheme - implementation**
 - 8. H03 Visibility splays**
 - 9. H09 Driveway gradient**
 - 10. H11 Parking - estate development (more than one house)**
 - 11. H13 Sustainable Residential Design**
 - 12. H18 On site roads - submission of details**
 - 13. H21 Wheel washing**
 - 14. H27 Parking for site operatives**
 - 15. I16 Restriction of hours during construction**
 - 16. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works in accordance with the Surface Water Management Report dated June 2013 has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the first occupation of the development hereby approved.**

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 DR4 of Herefordshire Unitary Development Plan.

INFORMATIVES:

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against**

planning policy and other material considerations, including 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. I05
3. I07
4. I09
5. I11
6. I45

69. S122304/F - WHITEHALL FARM, HAMPTON BISHOP, HEREFORDSHIRE

(Councillor MAF Hubbard declared a non-pecuniary interest and withdrew from the meeting for the duration of this item.)

The Chairman advised that because they related to the same premises and the same applicant there would be a single presentation on application S122304/F, published as agenda item 10 on the agenda, and application S122305/F, published as agenda item 11 on the agenda. There would be a single public speaking time allowed as only the applicant had registered to speak. A separate vote would then be taken on each application.

The Development Manager - Enforcement gave a presentation on both applications. He referred to additional representations set out in the schedule of committee updates, as appended to these minutes. He added that an informative needed to be added to the recommendation for application S122304/F stating that the Authority had acted positively and proactively in determining the application.

In accordance with the criteria for public speaking, Mr Rogers, the applicant, spoke in support of both applications.

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

- Farm diversification was to be encouraged.
- The Parish Council had no comment on either application.
- Two local residents had written in support of both applications.
- The caravans were well concealed.
- There had been little trouble associated with the caravans.
- He was disappointed that the applications were retrospective but in essence he supported them.

The debate opened and the following principal points were made:

- Members had undertaken a site visit and observed that the caravans were well sheltered from view.
- It was proposed that the current occupants of the six caravans (application S122304/F) should be permitted to stay, with the caravans being removed after that point. The Development Manager commented that it was questionable as to whether this condition could be enforced.
- That policy provided that application S122304/F should be refused. It was suggested that support could be offered to the current occupants to find housing and they could remain for some months while this happened.
- The Head of Neighbourhood Development commented on the application of policy H7.
- The Development Manager - Enforcement commented that the Committee would be unlikely to approve the building of a house in the location of the six caravans and expressed concern that granting permission would set a precedent. He noted that there would be a period of 12 months to comply with an enforcement notice.

The local ward member was given the opportunity to close the debate. He reiterated support for the applications.

RESOLVED:

That planning permission be granted subject to conditions to the effect that: no new occupants be permitted to reside at the site; and in the event that any current residents no longer reside at the site, with the effect that a mobile home is left empty (for a period in excess of one month), the said structure be removed and subject to conditions deemed necessary by officers named in the scheme of delegation to officers.

70. S122305/F - WHITEHALL FARM, HAMPTON BISHOP, HEREFORDSHIRE

(Councillor MAF Hubbard declared a non-pecuniary interest and withdrew from the meeting for the duration of this item.)

As stated in the previous Minute the Chairman advised that because they related to the same premises and the same applicant there would be a single presentation on application S122304/F, published as agenda item 10 on the agenda, and application S122305/F, published as agenda item 11 on the agenda. There would be a single public speaking time allowed as only the applicant had registered to speak. A separate vote would then be taken on each application.

The debate on the two applications is set out in the previous Minute.

RESOLVED:

That planning permission be granted subject to the following conditions:

1. **The occupation of the mobile homes hereby approved shall be limited to a person or persons, including resident dependants, working in agriculture at Whitehall farm, Hampton Bishop.**

Reason: It would be contrary to policy H7 and H8 of the Herefordshire Unitary Development Plan to grant permission for mobile homes in this location, but for the agricultural need of this particular farm.

- 2. The applicant shall, on written request of the Local Planning Authority, provide details of residents of the mobile homes and the work they are engaged in on the farm, within 10 days of any such request.**

Reason: To ensure compliance with policy H8 of the Herefordshire Unitary Development Plan.

- 3. Within 3 months of the date of this permission foul drainage shall have been provided in accordance with details to be provided to and agreed in writing by the Local Planning Authority.**

Reason: In order to comply with the Habitat Regulations and policy DR4 of the Herefordshire Unitary Development Plan.

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.**

71. DATE OF NEXT MEETING

The Planning Committee noted the date of the next meeting.

APPENDIX 1 - SCHEDULE OF COMMITTEE UPDATES

The meeting ended at 1.07 pm

CHAIRMAN

PLANNING COMMITTEE

Date: 9 October 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.

SCHEDULE OF COMMITTEE UPDATES

130997/F - ERECTION OF FOUR BED DETACHED DWELLING FOR FARM MANAGER AT LAND AT UFTON COURT FARM, UFTON COURT, HOLME LACY, HEREFORD.

For: Mr & Mrs Goodwin per Mrs Julie Joseph, Trecorras Farm, Llangarron, Ross-On-Wye, Herefordshire, HR9 6PG

ADDITIONAL REPRESENTATIONS

A letter from the applicants (emailed 4.10.13) and further email (received 7.10.13) with attached plans to Councillors and copied to the Case Officer, which sets out their case and response to the Committee Report.

A revised site plan indicating the position of the approved farm buildings that could be built.

OFFICER COMMENTS

The points raised are noted, but they generally reiterate the points already made in earlier correspondence. The applicants have confirmed that they are willing to amend the siting of the bund and landscaping if required.

The revised site plan does not accurately indicate the footprint/size of the approved buildings and can therefore only provide an indication of the approximate siting of the approved buildings.

CHANGE TO RECOMMENDATION

No change to the officer's recommendation.

131732/F - CHANGE OF USE FROM PUBLIC HOUSE ON GROUND FLOOR AND RESIDENTIAL UNIT ON FIRST FLOOR TO A SINGLE 6 BEDROOM DETACHED DWELLING AT THE SLIP TAVERN, MUCH MARCLE, LEDBURY, HR8 2NG

For: Mr Thomas per Mr Russell Ranford, 22 Thatcham Avenue, Kingsway, Gloucester, GL2 2BJ

ADDITIONAL REPRESENTATIONS

None

OFFICER COMMENTS

There is a minor error in the recommendation

CHANGE TO RECOMMENDATION

The wording of the recommendation is changed by deleting the word "as" and substituting it with the words "due to".

131885/F - PROPOSED ERECTION OF 30 NO. NEW DWELLINGS INCLUDING 10 AFFORDABLE UNITS AND ASSOCIATED WORKS TO PROVIDE A NEW ACCESS AND ROAD AT SITE ADJACENT TO 4 VALENTINE COURT, CANON PYON, HEREFORD, HR4 8NZ

For: G P Thomas & Son per Mr David F Baume, 41 Widemarsh Street, Hereford, Herefordshire, HR4 9EA

ADDITIONAL REPRESENTATIONS

One further letter of objection has been received from a local resident which includes a hydrology report that has been commissioned by them to examine the flood solutions offered by the applicant. The report concludes that there are significant inaccuracies in the applicant's calculations and that the scheme has been under-designed, and that the risk of flooding on and off the site may be more frequent than anticipated.

The objector's letter goes on to refer to paragraph 100 of the National Planning Policy Framework which states that:

"Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas of highest risk...."

It suggests that there are more appropriate and risk free sites in the centre of the village including a brownfield site which the owner is keen to develop.

The objector does not consider that the site can be compared with a recent appeal decision in Kingstone, or that the previous reasons for refusal have been addressed.

OFFICER COMMENTS

The hydrology report submitted by the objector has been forwarded to the Council's Land Drainage Engineer with a request for further comment. A response is awaited. However, Members attention is drawn to the fact that he was satisfied with the content of the original report and had recommended the imposition of a condition to require the submission of a detailed SuDS scheme. This is reflected by condition 16 of the recommendation.

The objector's correspondence refers to two other sites further to the north of the village that they consider to be sequentially preferable in terms of flood risk. However, both of the sites are, at least in part, within a zone 2 and 3 flood plain as they are adjacent to the Wellington Brook. A flood risk assessment completed in connection with a current householder application at Canon Court (131201/FH) includes photographs of a flood event in 2007. It is your officer's view that the application site is sequentially preferable as it does not lie within a fluvial flood plain.

It remains your officer's view that the site is comparable with the recent appeal decision in Kingstone. The Council cannot demonstrate a five year housing land supply. Both are sites immediately adjacent to a settlement boundary in villages that are considered to be sustainable. It is clear from the report to committee that the comparison is being drawn in this respect.

CHANGE TO RECOMMENDATION

No change to the officer recommendation

**S122304/F - CHANGE OF USE TO ACCOMMODATE SIX
MOBILE HOMES (RETROSPECTIVE) AT WHITEHALL FARM,
HAMPTON BISHOP, HEREFORDSHIRE,**

**For: Mr Rogers per Mr Colin Goldsworthy, 85 St Owen Street,
Hereford, Herefordshire, HR1 2JW**

ADDITIONAL REPRESENTATIONS

Letter received from TRP Sealing Systems LTD advise that a number of their employees reside at Whitehall Farm. The letter refers to the shortage of reasonably priced rental accommodation within Herefordshire and that those of their non-british workforce continue to find it difficult to find suitable properties and the contribution they make to the local economy.

OFFICER COMMENTS

Need to add proactive statement as informative.

NO CHANGE TO RECOMMENDATION